

OFFICIAL REPORT OF PROCEEDINGS  
BEFORE THE  
NATIONAL LABOR RELATIONS BOARD

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In the Matter of:

Case No. 13-RC-303208

GOLDEN MILE HOTELS, LLC D/B/A EUROSTARS MAGNIFICENT  
MILE HOTEL,

Employer,

and

UNITE HERE LOCAL 1,

Petitioner.

Place: Zoom

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OFFICIAL REPORTERS

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I N D E X

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>V/D</u>	<u>COURT</u>
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2	<b><u>EXHIBITS</u></b>	<b><u>FOR IDENTIFICATION</u></b>	<b><u>IN EVIDENCE</u></b>
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**P R O C E E D I N G S**

***[Start 9:33 a.m.]***

1 COURT REPORTER: We are on.

2  
3 HEARING OFFICER MOLANO: Thank you. Good morning,  
4 everyone. It is July 26, 2023. Welcome back. When we  
5 went off the record, we just finished with Ms. Nieto and  
6 prior to her, Ms. Cereiyo was on the stand. I believe  
7 at the time Ms. Yan had been about finishing cross and I  
8 had asked some follow-up questions. I didn't get to  
9 finish. But based on off the record discussions this  
10 morning, it's my understanding Ms. Yan that you have a  
11 few additional questions at this point. Is that  
12 correct?  
13

14 MS. YAN: I do.

15 HEARING OFFICER MOLANO: On direct.

16 MS. YAN: On direct.

17 (Whereupon,

18 **PATRICIA CEREIJO**

19 having been previously sworn/affirmed, was recalled as a  
20 witness herein, and was examined and testified, as  
21 follows:)

22 HEARING OFFICER MOLANO: Okay. Ms. Cereiyo, I see  
23 that you have been set-up in a room. It appears that  
24 you are by yourself. Good morning. Can you see  
25 everyone okay?

1 THE WITNESS: Yes.

2 HEARING OFFICER MOLANO: Okay. Since it's a new  
3 day, I just want to state that just as before, you've  
4 already been sworn in. You're still under oath. But  
5 can you please your camera to pan around the room just  
6 like you have in the past?

7 THE WITNESS: Um-hum. Um-hum.

8 HEARING OFFICER MOLANO: Thank you very much. I'll  
9 just note that -- thank you for including the desk space  
10 in front of you. To the extent you have a phone, I just  
11 ask that you turn it over and not refer to it while  
12 you're testifying.

13 THE WITNESS: Yeah.

14 HEARING OFFICER MOLANO: Okay. I didn't see  
15 anybody else in the room with you. Is anybody in there  
16 with you?

17 THE WITNESS: No.

18 HEARING OFFICER MOLANO: Okay. All right. Ms.  
19 Yan, please go ahead.

20 MS. YAN: Thank you.

21 DIRECT EXAMINATION

22 Q BY MS. YAN: Patricia, I'm just revisiting a few  
23 things from yesterday, well the past few days. All  
24 right. So we talked a bit about people getting referred  
25 for work at Eurostars. If someone was referred, what

1 paper materials would they have to provide to Eurostars,  
2 if any?

3 A Normally we ask that they are bringing their  
4 resumes in the event that we can call the employee, we  
5 can call the person and set-up an interview.

6 Q All right. The person referring bring the resume  
7 in?

8 A Yeah.

9 Q Yeah. All right. Have you ever called someone  
10 just with a number and a name that was referred?

11 A Yeah. Maybe it happened that the person is  
12 bringing their resume on the date of the interview.

13 Yeah. Could be.

14 Q Okay. And are there paper applications at the  
15 front desk of the hotel?

16 A No.

17 Q When Eurostars took over from the Dana Hotel, did  
18 Eurostars receive the Dana's files about its business  
19 and operations?

20 A Best as I know, yes.

21 Q And did Eurostars receive Dana Hotel's files about  
22 the first union election that occurred with UNITE HERE  
23 Local 1 in 2018?

24 MS. WERNICK: Objection. Relevance. We touched on  
25 this a little bit at the beginning of the hearing.



1 HEARING OFFICER MOLANO: Ms. Yan, how is this  
2 relevant?

3 MS. YAN: We had had some conversation about it  
4 being permissible that evidence regarding the Employer's  
5 observer be admitted, so I'm trying to establish some  
6 context regarding whether and how information about that  
7 would have gotten to Eurostars.

8 HEARING OFFICER MOLANO: Okay. I'll allow it for  
9 this limited purpose, but if you start veering kind of  
10 in different directions, please don't. But if there's  
11 objections and if I feel like that's what's happening  
12 here, I may, I may object myself. So please go ahead,  
13 Ms. Yan.

14 MS. YAN: Sure. All right.

15 Q BY MS. YAN: So when Eurostars took over from the  
16 Dana, did it receive documents regarding the 2018 union  
17 election?

18 A I'm not sure specifically about the election, but I  
19 put in mind that they were sending documents with us. I  
20 didn't see all the documents.

21 MS. YAN: Okay. I think that's all I have. Thank  
22 you.

23 HEARING OFFICER MOLANO: Okay. I think I --

24 COURT REPORTER: And Ms. Yan, can you mute your  
25 line and see if that -- there's like a lot of noise.

1 MS. YAN: Sorry. I think there's a coffee machine  
2 going on off to the side.

3 COURT REPORTER: Oh, okay. Just mute.

4 HEARING OFFICER MOLANO: But I mean Ms. Yan, at any  
5 point you need to object or you wish to say something,  
6 please obviously continue to feel free to un-mute.

7 MS. YAN: I will do so. Thank you.

8 HEARING OFFICER MOLANO: Of course. Okay.

9 COURT EXAMINATION

10 HEARING OFFICER MOLANO: Ms. Cereiyo, I have a  
11 question for you. You had testified about Liliana  
12 Chaparro. And one of the things you had testified about  
13 were circumstances under which she might receive  
14 discipline or could receive discipline based on -- I'm  
15 paraphrasing. I'm not saying that this is exactly what  
16 she said, but just trying to kind of help direct your  
17 attention to where I'm going. You had previously  
18 testified generally about circumstances under which Ms.  
19 Chaparro, Liliana Chaparro could be disciplined for  
20 reasons involving the performance of those she's  
21 supervising. I'm wondering whether Ms. Liliana Chaparro  
22 could be rewarded for the performance of her team. So  
23 here let's say the people she's supervising are  
24 performing really well, exceptionally well. Is there --  
25 could she get like a bonus or, I don't know, some kind

1 of like, I'll just leave it at that, some kind of  
2 reward, for example, a bonus?

3 THE WITNESS: No.

4 HEARING OFFICER MOLANO: Okay. Does Liliana  
5 Chaparro receive any type of performance appraisal?

6 THE WITNESS: What do you mean?

7 HEARING OFFICER MOLANO: Like in -- some  
8 organizations provide performance appraisals or like  
9 annual reviews or something where, and I'm not saying  
10 that it's necessary that she was. I'm just inquiring as  
11 to whether that was the case, like perhaps once a year  
12 she gets something formal in writing. It doesn't have  
13 to be in this format, but it could, that says there's  
14 like a rubric, right, so certain categories of metrics  
15 and there's maybe a rating of one to five and this is  
16 how she scored. Does she receive anything like that,  
17 any kind of appraisal like that?

18 THE WITNESS: No. We don't have any formal  
19 document like that for any of the employees.

20 HEARING OFFICER MOLANO: Including supervisors?

21 THE WITNESS: Yeah.

22 HEARING OFFICER MOLANO: Okay. So the situation  
23 that I described at the beginning of my question today  
24 involving Liliana Chaparro, that there were  
25 circumstances, and again I'm paraphrasing, where she

1 could be disciplined based on involving the performance  
2 of those that she supervises. Could Maria Solis as a  
3 housekeeping supervisor similarly be disciplined for  
4 circumstances like that?

5 THE WITNESS: Yes.

6 HEARING OFFICER MOLANO: And could Maria Solis be  
7 rewarded for the performance, good performance or  
8 exceptional performance of the people she supervised?

9 THE WITNESS: No.

10 HEARING OFFICER MOLANO: Okay. Those are all of my  
11 questions. Ms. Yan, did you have any redirect or any  
12 follow-up?

13 MS. YAN: Sorry. If I could just ask a few more  
14 questions on my previous line of questioning. It's not  
15 redirect to that particular subject.

16 HEARING OFFICER MOLANO: We didn't formally go to  
17 cross. I just wanted to give you an opportunity since I  
18 jumped in before we moved to cross.

19 MS. YAN: Thank you.

20 HEARING OFFICER MOLANO: Sure.

21 DIRECT EXAMINATION (Cont'd)

22 Q BY MS. YAN: So Patricia, when Eurostars took over  
23 from the Dana, who would have reviewed the operations  
24 and business records received from Eurostars?

25 A Our legal team.

1 MS. YAN: All right. All right.

2 COURT REPORTER: What was that answer? I missed  
3 it.

4 THE WITNESS: Legal team, our legal team.

5 COURT REPORTER: Oh, legal team. Okay.

6 Q BY MS. YAN: And do you work with your legal team  
7 regarding labor relations?

8 A Yes

9 Q Did you review any 2018 union election information  
10 to determine how to engage with the union when you came  
11 to work at Eurostars?

12 A No, not specifically. We were agreeing from the  
13 beginning that we will start over negotiations, so we  
14 didn't actually review that much previous documents.

15 Q When you say we, who are you referring to?

16 A Well I'm not sure exactly. It was the conversation  
17 with the legal team, with the union, but I was informed  
18 that we would start negotiations with Eurostars,  
19 starting the bargaining from the beginning because we  
20 just took over and we didn't want to agree anything that  
21 the previous owner was agreeing or not. We didn't want  
22 to enter on anything that was agreed or not agreed.

23 Q All right. And can your legal team act without  
24 your approval of a course of action?

25 A Well the legal team, they are not decision makers,

1 as well as me. We cannot make decisions without  
2 approval of the owner of the company.

3 Q And who is the owner of the company?

4 A Amancio Lopez Seijas.

5 HEARING OFFICER MOLANO: Can you please spell that?

6 THE WITNESS: Yeah. A-M-A-N-C-I-O, L-O-P-E-Z, S-E-  
7 I-J-A-S.

8 HEARING OFFICER MOLANO: Thank you very much.

9 THE WITNESS: Um-hum.

10 MS. YAN: Thank you.

11 Q BY MS. YAN: So I guess just so I understand the  
12 chain of command. So what kind of decisions would  
13 Amancio make versus what kinds of decisions can you sign  
14 off on?

15 MS. WERNICK: I'm going to object to relevance.  
16 I'm just not sure where we're going with this or how it  
17 relates to the union's objections.

18 HEARING OFFICER MOLANO: Ms. Yan, how is this  
19 relevant?

20 MS. YAN: She brought up a new person in the, in  
21 decision-making. I'm trying to establish to the extent  
22 she's been testifying where she's been testifying about  
23 things within the scope of her responsibility versus  
24 someone else's.

25 HEARING OFFICER MOLANO: Right. But to the extent

1 that she didn't look at these documents she wouldn't  
2 have been in a position to convey. And if you're  
3 looking to what the owner had personal knowledge of, she  
4 would not be the right person to be able to talk about  
5 that. I guess I'm also not seeing how this is relevant.  
6 I'm not saying that that's my ruling. I'm just trying  
7 to give you the opportunity to respond.

8 MS. YAN: Yeah. I do think it's relevant  
9 regarding, yeah, just, yeah, just how knowledge gets  
10 transmitted, or among the chain of command, what needs  
11 to be communicated and what doesn't. I don't have much  
12 further on this though.

13 HEARING OFFICER MOLANO: And which, which objection  
14 or challenge is this relevant to?

15 MS. YAN: To the extent this is all about the  
16 Employer's actions, I think it's relevant to all of  
17 them. But I can move on. I think I have enough.

18 HEARING OFFICER MOLANO: Okay.

19 MS. YAN: I think that's all I have. Thank you.

20 HEARING OFFICER MOLANO: Okay. Ms. Wernick, do you  
21 have questions on cross?

22 MS. WERNICK: I do. May I just have two minutes?

23 HEARING OFFICER MOLANO: Yes. Off the record.

24 MS. WERNICK: Thank you.

25 (OFF THE RECORD)

1 COURT REPORTER: We're on.

2 HEARING OFFICER MOLANO: We're on?

3 COURT REPORTER: Yes.

4 HEARING OFFICER MOLANO: Sorry, Ms. Court -- thank  
5 you. Please go ahead, Ms. Wernick.

6 CROSS EXAMINATION

7 Q BY MS. WERNICK: Patricia, how does the hotel  
8 project what occupancy is going to be?

9 A Well sometimes it's really difficult to project  
10 because unfortunately numbers are changing really  
11 quickly. So of course we, as everybody knows, we are in  
12 Chicago. There are specific seasons where there is more  
13 occupancy and other ones that since the pandemic  
14 happened, everything changed a lot. Before November and  
15 December were low months and now they are like really,  
16 really months with really high occupancy. So it's  
17 really difficult for us to actually kind of know in  
18 advance because sometimes on the same day we have a  
19 pick-up of 30 rooms for the same day or for the  
20 following day.

21 Q And why or how is it that the occupancy changes so  
22 quickly?

23 A So we sell our rooms in different websites. We are  
24 giving *[inaudible]* every ability there and of course all  
25 the clients are booking through different websites at



1 the same time and everything is coming during the day.

2 Q So you can project an occupancy the week before for  
3 scheduling purposes, but it can change dramatically  
4 because of the use of the websites for booking?

5 A Yes.

6 Q Is there a standard kind of swing that you have  
7 between the week before and the next week?

8 A Well, yeah. Normally -- well of course we know  
9 that weekends are always days where we have more  
10 occupancy than during the week, but we cannot anticipate  
11 exactly what will happen because there are weeks where  
12 the previous week I was looking for the following week  
13 to be like a slow week and then the dates are arriving  
14 and the occupancy is changing dramatically. And  
15 sometimes didn't change, it stayed low, so it's really  
16 difficult to say.

17 Q You mentioned that there were some differences  
18 between occupancy before COVID and after COVID. Can you  
19 explain that a bit?

20 A Yeah. Before COVID, it was, the months of really  
21 high occupancy, it was concentrated between April/May to  
22 October/middle of November, and after pandemic it  
23 changed a lot because December it was a slow month and  
24 November, half of November at least and even middle, it  
25 was kind of slow, and now they are months where we were

1 having a really high occupancy.

2 Q And the hotel was closed at some point during  
3 COVID, right?

4 A Yeah.

5 Q What months was it closed?

6 A We closed the end of March 2020 to middle of August  
7 2020.

8 Q And did you layoff your housekeepers during that  
9 time period?

10 A Yes.

11 Q When you came back in August of 2020, how did you  
12 staff the hotel with housekeepers?

13 A So basically we're starting to recall the employees  
14 and many of them unfortunately weren't able to come back  
15 and we were holding for them. And then when, at the  
16 beginning when we reopened, we didn't have really high  
17 occupancy and we didn't know exactly how the occupancy  
18 will be, so we were calling people by seniority and the  
19 people that didn't want to come back, we were holding  
20 off for them until they were able to come back.

21 Q You didn't have the occupancy in August 2020 to  
22 recall of your prior housekeepers. Is that right?

23 A Yeah.

24 Q How has occupancy trended since the hotel reopened  
25 in August 2020?

1 A Until now?

2 Q Yes. If it's easier, maybe break it '20, '21, '22.

3 A Well it changed a lot since 2022 to now, not only  
4 occupancy, also the way that we were operating because  
5 during COVID we, because of city restrictions, we didn't  
6 clean stay-over rooms. So it was different, the way  
7 that we were managing.

8 Q Is the hotel back to pre-COVID occupancy rates?

9 A No.

10 Q Has the hotel's occupancy increased since August  
11 2020?

12 A Yes.

13 Q Do you know of the trajectory of that increase,  
14 like when it started picking up again?

15 A I will say -- I mean I will say the end of 2021  
16 perhaps, beginning of 2022, maybe middle of 2022.

17 Q So it's taken almost two years to ramp up after  
18 COVID?

19 A Yes.

20 Q I want to backtrack to something that you said.  
21 You mentioned that occupancy can change really quickly  
22 based on your booking model. What challenges does that  
23 create in staffing?

24 A Well even if we know that the occupancy is changing  
25 a lot and we inform the employees and we are setting up

1 phone call employees, there are many times where  
2 employees refuse to come if they are on call. So we  
3 offer overtime for employees that are interested in  
4 order that we can clean the rooms with our staff because  
5 it's more productive for the supervisors and the team to  
6 work with people that already know the house. But  
7 sometimes it's -- many times it's not a possibility  
8 because if you don't have people available to work, you  
9 will have to work with a temp agency.

10 Q And is it preferable to have in-house housekeepers  
11 perform work than agency housekeepers?

12 A Yeah. Definitely.

13 Q And why is that?

14 A Well first of all because we will train them  
15 properly because they come in every day. They're always  
16 in the same place working. They carryover their own  
17 load and you know that you can count on them because  
18 with the temp agency, sometimes they are sending the  
19 same people, sometimes no. Not everybody is able to  
20 carryover the same load and many times we were needing  
21 people and people didn't show up, people that were  
22 scheduled by the temp agency.

23 Q When you say people, did you say carryover rooms,  
24 what do you mean?

25 A Carryover their own load.

1 Q Yes.

2 A So I mean if each one, each of our employees are  
3 able to have 14 credits by their self and the people  
4 from the temp agency, they cannot work by their selves,  
5 first of all because they don't know the property. They  
6 don't know how we clean the rooms. It will take a lot  
7 of time, so we have to have them with somebody else  
8 working together.

9 Q Do the temp agency employees always work with  
10 somebody in-house?

11 A Unless it's a woman and that person came times  
12 enough to work by herself, yes. They need to work with  
13 somebody. I don't have anything against men, but women  
14 are cleaning better.

15 Q [chuckle]. I won't comment on that. You mentioned  
16 that occupancy started ramping up in 2022. Did you try  
17 to hire more in-house employees to reflect that increase  
18 or to address that increased occupancy?

19 A Yes.

20 Q And were you actively trying to hire all of 2022?

21 A Yes.

22 Q I want to -- I'll come back to that, but I want to  
23 talk about the interview process a little bit to pull  
24 them back together. But I'm going to limit this to 2022  
25 for now. In 2022, did you interview any people that you

1 ultimately did not hire?

2 A Yes.

3 Q Do you have a feel for how many people that was?

4 A I don't know how many people.

5 Q And do you recall where those people came from,  
6 whether they came from the Indeed platform, referrals?

7 A Mostly Indeed because we don't receive many  
8 referrals.

9 HEARING OFFICER MOLANO: Ms. Wernick, if I can just  
10 ask a clarifying question. Are you seeking to know who  
11 among those she personally interviewed or that she is,  
12 maybe she and HR, that she's aware that the hotel --

13 MS. WERNICK: I can break that down if that's  
14 helpful.

15 HEARING OFFICER MOLANO: Yeah, please.

16 Q BY MS. WERNICK: Ms. Cereiyo, are you aware of  
17 every candidate that's interviewed for a housekeeping  
18 position at Eurostars?

19 A Yes.

20 Q And how do you become aware of all the people who  
21 are interviewed?

22 A Well HR is informing me at all times if they are  
23 having interviews or not and if she's thinking that  
24 these are good candidates or not.

25 Q Okay. And is the ultimate decision to hire or not

1 hire someone yours?

2 A Yes.

3 Q When we were talking about 2022 and interviewing  
4 candidates that you didn't ultimately hire, did you  
5 personally interview any candidates that you did not  
6 ultimately hire as housekeeper?

7 A Yes.

8 Q Do you recall when or how many?

9 A I don't know exactly. I don't know how many and  
10 period of time. I'm not sure exactly, but I think it  
11 was middle of 2022.

12 Q Is there any specific reason that you would be  
13 particularly looking to hire in the middle of 2022?

14 A Our HR, Stephanie Aguirre, was on leave, on sick  
15 leave.

16 COURT REPORTER: What was that now?

17 THE WITNESS: So I was -- our HR, Stephanie  
18 Aguirre, she was on sick leave.

19 HEARING OFFICER MOLANO: Do you remember for about  
20 how long or from when to when?

21 THE WITNESS: I don't remember. I don't remember  
22 exactly, but I think that was close to May, around May  
23 2022, something like that. But I don't remember exactly  
24 the timeframe.

25 HEARING OFFICER MOLANO: Do you remember if it was

1    like a few days or a few weeks?

2           THE WITNESS:  No.  It was a few weeks.

3           HEARING OFFICER MOLANO:  Okay.

4    Q     BY MS. WERNICK:  And would you have done all of the  
5    interviews yourself while Ms. Aguirre was out?

6    A     Yes.

7    Q     Do you recall in 2022 if anybody else other than  
8    yourself interviewed candidates that were not ultimately  
9    hired?

10   A     Yeah.  HR was interviewing candidates that we  
11   didn't hire.

12   Q     And I believe you've answered this, but just for  
13   completeness.  Do you recall any specific, you know, the  
14   when or where of any specific candidates that HR hired,  
15   or that HR interviewed that weren't hired in 2022?

16   A     Not the names or -- no -- or how many or not.  
17   This, no.

18   Q     Do you know if you personally or the hotel have not  
19   hired anybody that you interviewed and that was referred  
20   by an employee?

21   A     I'm not sure.

22   Q     Of all of the referrals from employees that you can  
23   think of, all of the applicants that were referred by  
24   employees, do you think you hired all or most of them?

25   A     Maybe yes.



1 Q Has Bertha Nieto ever referred or recommended any  
2 applicants to you?

3 A No.

4 Q Has the union UNITE HERE ever referred or  
5 recommended any applicants to you?

6 A No.

7 Q I want to ask a bit about the onboarding process  
8 after people are hired. How long does the onboarding  
9 process typically take?

10 A Well it totally depends because sometimes, there  
11 are some trainings that employees has to do like sexual  
12 harassment, human trafficking, and sometimes we are  
13 doing it on the first day, sometimes we are doing it on  
14 the first week, not specifically on the same day. So  
15 signing documents and explaining everything, it could  
16 get like -- totally depends on the employee, but I will  
17 say without trainings, half hour/45 minutes.

18 Q And when you say without training, what would that,  
19 what would the new employee be doing for the half hour  
20 to 45 minutes?

21 A So basically reading the documents and fill all the  
22 paperwork, the policies that the hotel has in place,  
23 their I-9, their taxes, and all these documents.

24 Q And you think that probably takes about a half an  
25 hour to 45 minutes for the new employee to complete?

1 A Yeah. I will say maximum that.

2 Q And if a new employee did all of the training in  
3 one day, do you know about how long that would take?

4 A I will say two hours, something like that.

5 Q Can you explain -- yeah. Can you break down that  
6 two hours? Like is there specific training that you're  
7 attributing time to?

8 A Um-hum. So normally human trafficking is getting  
9 roughly one hour I think or something less, maybe 45  
10 minutes, something like that, and then there are two  
11 sexual harassment. One is bystander; the other one is  
12 in case you see something. And both, it will take one  
13 hour together I will say. So, yeah. I will say maybe  
14 two hours, two hours something. I mean they are power  
15 points, the sexual harassment, so it totally depends how  
16 the people understand, if they have questions or things  
17 like that. So maybe two hours/two hours and a half.

18 Q So roughly if a new employee did all of the  
19 onboarding in one day, it could take about an hour to 45  
20 minutes to do the paperwork, let's say two to two and a  
21 half hours to do the training, so we'd be looking at  
22 somewhere between maybe two and a half to four hours to  
23 do full onboarding in one day. Does that sound right?

24 A Yeah. Two and a half/three. Yeah.

25 Q And are new housekeeping employees typically

1 scheduled for a full day of work their first day?

2 A It depends. Not always. Totally depends.

3 Q If a new housekeeping employee has finished all of  
4 their paperwork and still had time left in the day, what  
5 would they do?

6 A So it will be assigned with a housekeeper and the  
7 housekeeper will show her the building around and will  
8 start to explain how to clean the rooms and will start  
9 to clean with that housekeeper, the rooms, together.

10 Q So the new employee would start cleaning with that  
11 housekeeper right away?

12 A Yeah.

13 Q Would the new employee necessarily be put on work  
14 assignment sheets right away?

15 A No, not necessarily.

16 Q And why not?

17 A Because totally depends. Sometimes if we -- we are  
18 not sure if the person will finalize the paperwork or  
19 not. We don't write them down on the daily assignments.

20 Q Do you know if Jenny Lucero performed housekeeping  
21 work on her first day of September 30<sup>th</sup>?

22 A I think so, but I wasn't in property that day, so  
23 I'm not sure.

24 Q Why do you think so?

25 A Because everybody will perform housekeeping tasks

1 on the same, on the first day.

2 Q Does the housekeeping manager report to you about  
3 the progress of new employees training?

4 A Yes.

5 Q So Rosa would have updated you as to the progress  
6 of Jenny's training when she started?

7 A I mean not on a daily basis, but in general, yes.  
8 She is telling me how the person is doing in order that  
9 we keep in consideration if we have to have a  
10 conversation with the housekeeper or if the person is,  
11 well if the housekeeper likes the job or not. I mean  
12 everything having in consideration.

13 Q And do you remember any specific comments that Rosa  
14 told you about Jenny Lucero's training process

15 MS. YAN: Objection. Calls for hearsay.

16 HEARING OFFICER MOLANO: Ms. Cereiyo, do you recall  
17 whether you did talk to Rosa about Jenny Lucero?

18 THE WITNESS: Yes. We speak about all the  
19 housekeepers that we hire.

20 HEARING OFFICER MOLANO: Right. But I'm wondering  
21 if you --

22 THE WITNESS: *[audio stepping on one another]*.

23 HEARING OFFICER MOLANO: I'm wondering if you  
24 actually remember that specific conversation.

25 THE WITNESS: Yes.

1 HEARING OFFICER MOLANO: Ms. Yan, can you state  
2 your objection again?

3 MS. YAN: Calls for hearsay.

4 MS. WERNICK: We're not using it for the truth of  
5 the matter what she said, right, as to how she was  
6 doing, more as to whether a conversation occurred, when  
7 that was.

8 MS. YAN: Why do you need to know what was said if  
9 you just need to know when? She already said she didn't  
10 recall when.

11 MS. WERNICK: She did say that she knows that she  
12 talked to Rosa about Jenny's training process. The  
13 union has alleged that Jenny -- it directly relates to  
14 Union Objection 1 and the questions asked to Ms.  
15 Cereijo. The union has alleged that the hotel stacked  
16 employees and specifically has insinuated that Ms.  
17 Lucero didn't perform meaningful housekeeping work. I'm  
18 asking questions to establish whether Ms. Cereijo knew  
19 about the work that she was performing.

20 MS. YAN: I'm not objecting on relevance. I'm  
21 objecting on the hearsay.

22 HEARING OFFICER MOLANO: Ms. Wernick, do you want  
23 to respond to that objection, the hearsay objection?

24 MS. WERNICK: Yeah. Again, I don't necessarily  
25 think it's for the truth of the statements that Rosa is

1 saying to her more so than the fact that the check-in  
2 happened as would normally happen in the course of  
3 business to help establish personal knowledge of what  
4 Jenny Lucero would have been doing during her training.

5 MS. YAN: If she wasn't there, she can't establish  
6 personal knowledge.

7 HEARING OFFICER MOLANO: I'm going to sustain it,  
8 but I want to see if there's maybe -- I mean if you have  
9 another way to approach it, I'm going to let you try  
10 that if you wanted to change the topics. But I agree  
11 that this is hearsay.

12 MS. WERNICK: Just one moment. I'm going to move  
13 on.

14 HEARING OFFICER MOLANO: Okay.

15 Q BY MS. WERNICK: Ms. Cereiyo, as we're talking  
16 about different employees the union has alleged were  
17 hired for stacking purposes, I'd like to ask you a few  
18 questions about Susana Contreras. When did you first  
19 become acquainted with Susana Contreras?

20 A When we took -- when Eurostars took over the  
21 property in May 2019.

22 Q And what was Ms. Contreras' job at that time?

23 A Housekeeper.

24 Q Was she full-time?

25 A Yes.

1 Q And was Ms. Contreras laid off during COVID from  
2 March to August 2020?

3 A Yes.

4 Q Did she return? Was she recalled after August  
5 2020?

6 A Yes.

7 Q Do you recall when she was recalled?

8 A She was the staff -- she came back in August 2020.

9 Q And did she come back full-time?

10 A Yes.

11 Q After August 2020, when did Ms. Contreras'  
12 employment status change?

13 A I don't remember the exact period of time. But I  
14 know that she was working with us full-time and then she  
15 resigned her position. Then after a while that she  
16 didn't work with us, she started to come through the  
17 temporary agency like once a week or twice a week. And  
18 then after a while in that situation, she asked if we  
19 were still looking for full-time employees in-house. We  
20 say yes. And she wanted to come back, so we hired her  
21 back.

22 Q And who did Ms. Contreras contact about coming back  
23 full-time?

24 A She was asking Rosa and Rosa asked her to go to  
25 Stephanie Aguirre to ask her if we were having the

1 position and if we were willing to have her back.

2 Q How do you know that?

3 A Well because when this happened, Rosa was informing  
4 me with Stephanie about the case and then Stephanie was  
5 informing me about Susana going to her to ask her.

6 Q And did you ever talk to Susana directly about her  
7 coming back full-time or her reasoning for coming back  
8 full-time?

9 A Yes.

10 Q What was her -- what was her reason for coming back  
11 full-time?

12 MS. YAN: Objection. Calls for speculation and  
13 hearsay.

14 MS. WERNICK: What did she tell you her reasoning  
15 for coming back full-time was?

16 MS. YAN: Objection. Calls for hearsay.

17 HEARING OFFICER MOLANO: So Ms. Wernick, you're  
18 asking what Ms. Contreras told Ms. Cereijo?

19 MS. WERNICK: Yeah.

20 HEARING OFFICER MOLANO: Ms. Wernick, can you  
21 respond to the objection?

22 THE WITNESS: Can I respond?

23 MS. WERNICK: I'll phrase --

24 HEARING OFFICER MOLANO: No. Please not yet, Ms.  
25 Cereijo. There was an objection, so --



1 THE WITNESS: Okay.

2 HEARING OFFICER MOLANO: -- we're trying to discuss  
3 it and I'll make a ruling on it. Just a minute. Thank  
4 you for asking though. Ms. Wernick.

5 MS. WERNICK: I'll phrase the question differently.

6 HEARING OFFICER MOLANO: Okay.

7 MS. WERNICK: Do you know why Susana Contreras  
8 contacted the hotel about coming back full-time?

9 MS. YAN: Objection. Calls for speculation.

10 MS. WERNICK: I'm asking her if she knows.

11 MS. YAN: I don't think she can know what is in  
12 Susana's mind, but she can, I guess she can say she  
13 thinks she knows a reason.

14 HEARING OFFICER MOLANO: Ms. Wernick, how is that,  
15 based on the question, how would that not be -- I guess  
16 do you want to respond to this objection of speculation?

17 MS. WERNICK: In order for her to know as opposed  
18 to have guessed why, she'd have to have some basis, some  
19 reason for knowing as opposed to guessing why. So I'm  
20 asking if she knows and then how.

21 HEARING OFFICER MOLANO: Right. But I've just  
22 ruled that even if Ms. Cereiyo heard this from Susana  
23 herself would be hearsay.

24 MS. WERNICK: I'll move on.

25 Q BY MS. WERNICK: I'd like to talk a bit about

1 Liliana Chaparro and Maria Solis. Did Liliana Chaparro  
2 or Maria Solis ever attend interviews of perspective  
3 employees?

4 A Not that I know.

5 Q Is Rosa Calle the only housekeeping supervisor that  
6 would attend those interviews?

7 A Yes.

8 Q With respect to Liliana, there's been some  
9 testimony about Liliana's ability to be disciplined for  
10 the performance of her employees and I want to discuss  
11 that. Do you recall the union showing an exhibit  
12 involving a discipline of Liliana Chaparro?

13 A Yes.

14 Q And that discipline was issued around February 18<sup>th</sup>  
15 of 2022?

16 A Yes.

17 Q And how are you familiar with that discipline?

18 A Because I was the person that was giving it to her  
19 together with HR.

20 Q So you were present when the discipline was  
21 discussed with Ms. Chaparro?

22 A Yes.

23 Q And was Ms. Chaparro disciplined for her employees'  
24 performance or her failure to report her employees'  
25 performance?

1 A The failure to report.

2 Q So I want to be clear on this. Can Ms. Chaparro be  
3 disciplined for her employees' performance or is it that  
4 she can be disciplined for failing to supervise or  
5 report her employees' performance?

6 A No. It's the failure to don't supervise or don't  
7 report any kind of incidents or things that happened  
8 during, during the day.

9 Q So as an example, if Ms. Chaparro had multiple of  
10 her employees dropping room credits, not completing  
11 their room credits, would she be disciplined if she  
12 reported that to HR?

13 A No.

14 Q Would she only be disciplined if she failed to  
15 report that deficiency to HR?

16 A Yes.

17 Q I'm going to move on to the hotel's usage of what  
18 we've called staffing agency or office or temp  
19 employees. Has the hotel's use of staffing agency  
20 employees changed before and after COVID?

21 A Yes.

22 Q What was the usage like before COVID?

23 HEARING OFFICER MOLANO: Ms. Cereiyo, I couldn't  
24 hear. I think we lost your audio for just a moment. I  
25 just want to check the audio real quick. Can you hear

1 me okay? Because I can see your mouth moving, but I'm  
2 not hearing you. Can -- Ms. Wernick and Ms. Yan, can  
3 you hear me?

4 MS. YAN: I can hear you, but I can't hear  
5 Patricia.

6 THE WITNESS: Can you hear me?

7 HEARING OFFICER MOLANO: Now I can hear you.

8 THE WITNESS: Yeah. Okay. Sorry. I was  
9 connecting the charger because I was running out of  
10 battery. So I wonder if it was something about that.

11 HEARING OFFICER MOLANO: Okay. Thank you. I can  
12 hear you loud and clear at this point. Thank you for  
13 letting us know.

14 THE WITNESS: Okay.

15 HEARING OFFICER MOLANO: Can you re-ask the  
16 question, please?

17 MS. WERNICK: Sure.

18 Q BY MS. WERNICK: Patricia, I was asking whether  
19 your use of staffing agency employees changed before or  
20 after COVID and you had said that it had.

21 A Um-hum. Yes.

22 Q How so?

23 A Well occupancy didn't change so quickly before  
24 pandemic comparing with what is happening nowadays, and  
25 also we were having more employees than we are having

1 right now.

2 Q When you say occupancy didn't change so much, do  
3 you mean that the swing in occupancy wasn't as fast?

4 A Yeah. Um-hum. I'm meaning the period of time in  
5 advance that the occupancy is changing, that it's not  
6 giving us a lot of notice to make changes.

7 Q So after COVID and through 2022, you had less  
8 notice as to increased occupancy than you did before  
9 COVID?

10 A Yes.

11 Q And why would you use a temp agency employee to  
12 cover some of those swings instead of necessarily hiring  
13 more full-time employees?

14 A Well there are several reasons.

15 MS. WERNICK: *[laughing]*. Sorry.

16 HEARING OFFICER MOLANO: I just want to note for  
17 the record that the light turned off.

18 THE WITNESS: Yeah. Sorry. I'm not moving around.  
19 So there are several reasons. One of them is because  
20 it's really difficult to find staff, so it's not a  
21 matter that we don't want to have more employees in-  
22 house. It's that it's really difficult to get  
23 employees. And also it's happening that there are  
24 specific days of the week that you need many people only  
25 for one day and then the rest of the week maybe you

1 don't need anybody. So it's also difficult to work with  
2 that.

3 Q BY MS. WERNICK: So with these kind of rapid and  
4 variable occupancy swings, you don't necessarily always  
5 need a full-time employee to cover them?

6 A Yeah.

7 Q Or you don't know whether you'll be able to provide  
8 full-time work to an employee to cover them?

9 A We don't know if we are able to provide full-time  
10 sometimes.

11 Q Has occupancy gotten more regular?

12 HEARING OFFICER MOLANO: Can you specify a  
13 timeframe.

14 MS. WERNICK: I'm going to -- yeah.

15 Q BY MS. WERNICK: In 2022, did occupancy get more  
16 regular than immediately after COVID?

17 A Well occupancy was higher and there were a few  
18 months where the occupancy was higher, but there were  
19 variables between the days. Not on the whole month  
20 together, but from today to the following day the  
21 occupancy was changing a lot.

22 HEARING OFFICER MOLANO: Is that -- I want to -- I  
23 want to jump in. I was going to wait until the end, but  
24 I think it might be helpful to kind of get this part  
25 here. Ms. Cereijo, you've been talking a lot about high

1 occupancy, low occupancy, and swings in occupancy. I'm  
2 wondering what do you consider to be low occupancy.  
3 Like what's a range of what would be considered low  
4 occupancy?

5 THE WITNESS: Less than 35 percent of occupancy.

6 HEARING OFFICER MOLANO: Okay. And about how many  
7 rooms would that represent or how many total rooms are  
8 there available in the hotel?

9 THE WITNESS: 216.

10 HEARING OFFICER MOLANO: I'm sorry.

11 THE WITNESS: 216.

12 HEARING OFFICER MOLANO: Okay. So less than 35  
13 percent of 216 would be considered, you would consider  
14 low occupancy?

15 THE WITNESS: Yeah.

16 HEARING OFFICER MOLANO: Okay. And what would you  
17 consider high occupancy?

18 THE WITNESS: Over 60 percent, 60/65 percent.

19 HEARING OFFICER MOLANO: I'm just going to use a  
20 calculator. So 216 --

21 THE WITNESS: Thank you for making the calculations  
22 because I'm not good with the math, so my brain --

23 HEARING OFFICER MOLANO: And please -- I'm going to  
24 ask counsel to confirm. I have that 35 percent of 216,  
25 it says 75 -- I have 75.6. Do both counsel have the

1 same?

2 MS. WERNICK: I do.

3 HEARING OFFICER MOLANO: Okay. Ms. Yan? I just  
4 don't want to rely on one number when we're talking, so  
5 I just want to make sure *[audio faded]*.

6 MS. YAN: Yeah. That looks right.

7 HEARING OFFICER MOLANO: Okay. So 35 percent of  
8 216 is about 76. So based on the 35 percent, low  
9 occupancy is about less than 76 rooms. And then I'm  
10 going to do 60 percent of 216. Let me just double  
11 check. And 60 percent of 216 is 129.6, so about 130.  
12 Ms. Yan, did you get the same?

13 MS. YAN: I did.

14 HEARING OFFICER MOLANO: Ms. Wernick?

15 MS. WERNICK: I am so sorry. Can you say that one  
16 more time? Did you get about what?

17 HEARING OFFICER MOLANO: I did 60 --

18 MS. WERNICK: The weather is very bad. We're  
19 losing power at home, so sorry.

20 HEARING OFFICER MOLANO: Are you in Chicago?

21 MS. WERNICK: Yeah.

22 HEARING OFFICER MOLANO: Okay. Same here. It's  
23 just crazy thunder. So 216, 60 percent of 216, I got  
24 129.6, so about 130 rooms.

25 MS. WERNICK: Yes.



1           HEARING OFFICER MOLANO: Okay. So low occupancy is  
2 about 76 rooms or fewer. High occupancy is about 130  
3 rooms or more. Ms. Cereijo, what would you consider a  
4 big or dramatic swing in occupancy from one day to the  
5 next? Is it an increase in five rooms, 30 rooms, 75  
6 rooms? I'm just giving an example of kind of what I'm  
7 asking for.

8           THE WITNESS: 20 rooms from one day to another one.

9           HEARING OFFICER MOLANO: Okay. So 20 or more  
10 rooms, an increase in 20 or more rooms in occupancy from  
11 one day to the next you would consider a big or dramatic  
12 swing? 19 or fewer, not so big or dramatic?

13          THE WITNESS: Yeah. It's something that we can  
14 work on.

15          HEARING OFFICER MOLANO: Okay. Okay. Thank you  
16 for that. There was one last thing, just since I'm  
17 already asking questions, and it's more specific to a  
18 more recent question. I believe you recently testified  
19 that before the COVID pandemic, so before the hotel  
20 closed in about March 2020, you tended to get more  
21 notice of increased occupancy whereas since the hotel  
22 reopened in about August 2020, generally since that time  
23 you have had less notice of increased occupancy. Is  
24 that right?

25          THE WITNESS: Yes.

1           HEARING OFFICER MOLANO: I'm wondering, kind of  
2 similar to what we just did, if there's some way that  
3 you can quantify for before the hotel closed in about  
4 March 2020. What would you consider to be more notice  
5 or what was a normal range of notice prior to the hotel  
6 closing in about March 2020?

7           THE WITNESS: There wasn't a lot of discrepancies  
8 from one week to another one, so occupancy was already  
9 high or low for the following week and the numbers  
10 didn't change that much. It was changing between just  
11 maybe 10 rooms more every single day, something like  
12 that. But the occupancy was already established from  
13 one week to another one.

14          HEARING OFFICER MOLANO: Okay. So from one day to  
15 the next, during the period that I asked about,  
16 occupancy tended to change 10 rooms or fewer from one  
17 day to the next?

18          THE WITNESS: Um-hum. Sometimes even five rooms.  
19 So, yeah.

20          HEARING OFFICER MOLANO: Okay. And so since, since  
21 the hotel reopened in about August 2020, you said that  
22 you had less notice of increased occupancy. How would  
23 you quantify that? What is a normal range since then of  
24 notice?

25          THE WITNESS: So before pandemic, at least one week

1 in advance we knew more or less how the numbers will be.  
2 There will be changes of course during the week, but not  
3 very many changes or dramatic changes. And now from one  
4 week to another one, everything changes a lot. So we  
5 don't know in advance, and I can put an example. Like  
6 the previous week --

7 HEARING OFFICER MOLANO: Previous week to today?  
8 So like last week?

9 THE WITNESS: Yeah. So last week -- no. The week  
10 before, for this past weekend, we were having 40/45  
11 percent of occupancy and we got full.

12 HEARING OFFICER MOLANO: We got what? I'm sorry.

13 THE WITNESS: We get fully booked for that day. So  
14 in one week we changed from 40/45 percent of occupancy  
15 that we were having for that past Saturday and we got  
16 full, 100 percent of occupancy.

17 HEARING OFFICER MOLANO: On this past weekend?

18 THE WITNESS: Yeah. And most of the reservations  
19 started to arrive from that Wednesday/Thursday and on  
20 the same day we received -- so the previous that night,  
21 we were receiving 20/25 rooms and the same day we  
22 received 30 rooms.

23 HEARING OFFICER MOLANO: Do you mean new rooms?

24 THE WITNESS: New reservations.

25 HEARING OFFICER MOLANO: New reservations. Okay.

1 So I just want to make sure I understand the example  
2 that you just, the specific example that you just  
3 referred to. Was it -- I want to make sure I  
4 understand. So two weeks ago, is it your testimony that  
5 the projected occupancy for this past weekend, and this  
6 past weekend, I'm looking at the calendar, was July 2022  
7 and July -- I'm sorry.

8 THE WITNESS: I'm just speaking about Saturday,  
9 Saturday the 22<sup>nd</sup> of July. Yeah.

10 HEARING OFFICER MOLANO: And Sunday, July 23<sup>rd</sup> of  
11 2023. For those two days, two weeks ago your projected  
12 occupancy for this past weekend was 40 to 45 percent.  
13 Is that what your testimony was?

14 THE WITNESS: For the Saturday. I'm just speaking  
15 about specifically Saturday. I don't remember Friday,  
16 but Saturday. Yeah.

17 HEARING OFFICER MOLANO: Understood. So two weeks  
18 ago your projected occupancy for Saturday, July 22<sup>nd</sup>,  
19 2023 was that it would be 40 to 45 percent. Is that  
20 correct?

21 THE WITNESS: This is what we were having on the  
22 books and we didn't receive a lot of reservations, so we  
23 didn't expect lows on 40/45, but we were expecting to  
24 close 50/55 percent of occupancy because we didn't  
25 receive a lot of reservations from the previous days.

1 So we didn't expect that it will come all this many  
2 reservations for that specific day. And they didn't  
3 start to arrive reservations until the Wednesday of that  
4 week. So starting on 19<sup>th</sup> is when we are starting to  
5 receive a lot of reservations and mainly specifically  
6 the previous night and on the same day.

7 HEARING OFFICER MOLANO: Okay. Thank you very much  
8 for walking me through that example. That was helpful.  
9 Ms. Wernick, please go ahead.

10 Q BY MS. WERNICK: The scenario that you just gave  
11 for July 22<sup>nd</sup>, 2023, would similar swings in occupancy  
12 happen during 2022?

13 A Yes.

14 Q Consistently throughout 2022 or is there a certain  
15 time period?

16 A No. It was happening mainly in general. I don't  
17 remember like one specific month that it was happening  
18 more than others. I would say in general. It doesn't  
19 matter which one was the occupancy at the end of the  
20 month. During the month there were a lot of changes all  
21 the time.

22 Q And do you know when these rapid swings, what we'd  
23 say 20 rooms or more from day to day, started happening?

24 A I will say mostly maybe middle of the year, maybe  
25 starting on more specifically May/June, starting on that

1 time, that is when we are receiving more occupancy in  
2 general.

3 Q Do you mean May/June of 2022?

4 A Yeah. It's starting to -- um-hum.

5 Q Was there any point after the pandemic that the  
6 hotel was letting out, had less than 216 rooms  
7 available?

8 A Sorry. What?

9 Q Was there any point after the pandemic that the  
10 hotel had less than 216 rooms available? You indicated  
11 that currently the hotel has 216 rooms available.

12 HEARING OFFICER MOLANO: You're not asking if they  
13 were all vacant. You're just saying possible -- it's my  
14 understanding that you're saying that people could use.

15 THE WITNESS: You mean if we -- so rooms that were  
16 blocked you mean, right?

17 Q BY MS. WERNICK: Yes. So you said right now if  
18 someone was to rent out the whole hotel they'd have 216  
19 rooms, right?

20 A Um-hum.

21 Q Is there any point after the pandemic that if  
22 someone wants to rent out the whole hotel they would  
23 have less than 216 rooms that they could rent out?

24 A No. We always have 216 rooms. I mean there could  
25 be some specific days that we have a room out of order,

1 but if we put a room out of order it's because we have  
2 some maintenance work to do and we do it knowing that  
3 the hotel is not full that day.

4 Q Is it fair to say then that your use of contract  
5 workers or agency workers went up in 2022 to accommodate  
6 these rapid swings in occupancy?

7 A Yeah.

8 Q Did the union know that you were using agency  
9 workers more in 2022 to accommodate these swings?

10 A Yes.

11 MS. YAN: Objection. Calls for speculation. But  
12 she already answered.

13 MS. WERNICK: And how do you know the union knew?

14 HEARING OFFICER MOLANO: Well hold on. Hold on.

15 So I mean the union still made an objection. I want to  
16 acknowledge and note it.

17 MS. WERNICK: I'm sorry.

18 HEARING OFFICER MOLANO: I guess do you have --  
19 what you stated as your following question, I'm going to  
20 overrule it and let it in. I'm going to note that it's  
21 possible that it calls for speculation, but I want to  
22 give her the chance to establish it. I'm going to  
23 provide the opportunity to see if we can establish how  
24 she would have actual knowledge of it. Please go ahead,  
25 Ms. Wernick.

1 Q BY MS. WERNICK: How do you know the union knew you  
2 were using more agency employees in 2022?

3 A Because we discussed it on bargaining sessions.

4 Q And did the union file any charges against the  
5 hotel for using more agency employees?

6 A No.

7 Q You mentioned earlier that it's been, that it was  
8 really difficult to find staff -- why -- hire staff.

9 A Because of the wages that we are able to offer.

10 HEARING OFFICER MOLANO: Because of the what?

11 THE WITNESS: Of the rate wage.

12 Q BY MS. WERNICK: Can you explain that a bit?

13 A Yeah. The salary that we offer is minimum wage  
14 because of the status quo that we are at.

15 Q And when you say the status quo that you're at, do  
16 you mean that you can't change wages without bargaining  
17 with the union?

18 A Yes.

19 Q During the course of your bargaining with the  
20 union, did they ever give you authorization to increase  
21 wages?

22 A No.

23 Q Did you ever ask to increase wages before you had a  
24 global contract in place?

25 A Yes. We offered proposals.



1 Q And what was the union's response?

2 A That we have to have an agreement and agree on the  
3 rate that they wanted to have for the full contract.

4 Q Okay. So since 2019 when the Golden Mile took the  
5 hotel over from the Dana, have you increased wages?

6 A Only the minimum wage when it was changing every  
7 year.

8 Q So you've only increased wages to the extent that  
9 you were required to by law, to the extent that Chicago  
10 minimum wage increased?

11 A Yes.

12 Q Okay. Ms. Yan asked a bit about the hotel's filing  
13 of an LM-10. Have you completed or do you know if the  
14 hotel has completed the document LM-10 for filing last  
15 year?

16 A We completed that. Well, yes.

17 Q And have you had any issues submitting the Form LM-  
18 10 to the DOL?

19 A Yes.

20 Q Are you aware of whether the hotel has contacted  
21 the DOL about those issues?

22 A Yes.

23 Q And have those issues been resolved yet?

24 A No. Not yet.

25 MS. WERNICK: Just a moment. Ms. Cereiyo, I'm

1 going to pivot again.

2 Q BY MS. WERNICK: Do you recall union counsel asking  
3 you about a 24 hour speech that you gave to housekeeping  
4 employees?

5 A Yes.

6 Q And union counsel showed you an exhibit that was  
7 the written form of the speech that you gave, right?

8 A Yes.

9 Q Did you read exactly the words written on the paper  
10 to the employees?

11 A Yes.

12 Q Do you recall if you said anything outside of the  
13 words written on the paper to the employees during that  
14 speech?

15 A No.

16 HEARING OFFICER MOLANO: I'm sorry. No, you don't  
17 recall, or no, you did not say anything outside the  
18 words on that speech?

19 THE WITNESS: No. I didn't say anything.

20 HEARING OFFICER MOLANO: Thank you.

21 Q BY MS. WERNICK: Did you tell the employees that  
22 their attendance at that speech was mandatory?

23 A No.

24 Q Did you specifically tell them that their  
25 attendance was not mandatory?

1 A Yes.

2 Q Did you pay employees for the time that they spent  
3 listening to that speech?

4 A Yes.

5 Q And were there room assignments adjusted downward  
6 to accommodate for the time that they spent listening to  
7 your speech?

8 A Yes.

9 Q Did you give employees a chance to leave if they  
10 didn't want to listen to the speech?

11 A Yes.

12 Q And did any employee leave?

13 A No.

14 Q You indicated that you attended other meetings with  
15 employees with educator Jason Rodriguez, right?

16 A Yes.

17 Q And during those meetings that you had with  
18 employees with Jason Rodriguez, did you ever indicate  
19 whether those were mandatory or not?

20 A He indicated at the beginning of each meeting.

21 Q When you say he, who do you mean?

22 A Jason Rodriguez.

23 Q And did any employee choose not to stay in those  
24 meetings?

25 A No.

1 HEARING OFFICER MOLANO: I'm sorry. What was it  
2 that he indicated at the beginning of the meeting? Ms.  
3 Yan, there's actually -- I can hear you typing. It's a  
4 little loud on my ears. If it's okay, you can mute and  
5 then actually jump in whenever if necessary. Ms.  
6 Cereijo, what is it that you said he indicated at the  
7 beginning of the meeting?

8 THE WITNESS: That it wasn't mandatory.

9 HEARING OFFICER MOLANO: That it was not or was?

10 THE WITNESS: It was not mandatory.

11 HEARING OFFICER MOLANO: Thank you. Sorry. Go  
12 ahead, Ms. Wernick.

13 Q BY MS. WERNICK: Did you pay employees for the time  
14 that they spent in meetings with you and Mr. Rodriguez?

15 A Yes.

16 Q And did you adjust their housekeeping credit load  
17 downward to reflect the time that they spent in those  
18 meetings with you and Mr. Rodriguez?

19 A Yes.

20 Q Were employees compensated for the time that they  
21 spent in those meetings with you and Mr. Rodriguez?

22 A Yes.

23 MS. WERNICK: That's all that I have for cross.

24 HEARING OFFICER MOLANO: I might have a couple. I  
25 have to think. I mean I addressed numbers. Give me

1 just a moment. I just had to blow my nose. Ms.  
2 Cereijo, you testified about -- I believe it was your  
3 testimony that Liliana Chaparro and Maria Solis did not  
4 attend -- or you testified about whether either of them,  
5 Liliana Chaparro or Maria Solis, had attended interviews  
6 of perspective employees. I believe you said not that  
7 you know of. Did either of them, Ms. Chaparro or Ms.  
8 Solis, attend any of the interviews that you attended?

9 THE WITNESS: No.

10 HEARING OFFICER MOLANO: Okay. That was it. Ms.  
11 Wernick, any additional on cross?

12 MS. WERNICK: No.

13 HEARING OFFICER MOLANO: Ms. Yan, anything on  
14 redirect?

15 MS. YAN: Yes.

16 HEARING OFFICER MOLANO: Go ahead.

17 MS. YAN: Give me 30 seconds.

18 HEARING OFFICER MOLANO: Okay.

19 REDIRECT EXAMINATION

20 Q BY MS. YAN: All right. So Patricia, you were  
21 talking about occupancy numbers. So on the housekeeping  
22 schedules that Rosa Calle produces and you approve,  
23 those numbers are pulled from the week, the occupancy  
24 numbers are pulled from the week prior. Is that right?

25 A Yes.

1 Q Okay. And do you recall how long the City of  
2 Chicago's restrictions on cleaning stay-over rooms were  
3 in place?

4 A I don't know how long time. I don't remember  
5 exactly the frame time.

6 Q Do you recall when those restrictions began?

7 A As soon as we reopened from pandemic.

8 Q So August 2020?

9 A Yes.

10 Q And then do you recall when those restrictions  
11 eased up?

12 A No. I don't remember.

13 Q And during the time when stay-over rooms were not  
14 permitted to be cleaned under Chicago's regulations, was  
15 the housekeeping staffing calculated based on the number  
16 of check-out rooms plus 10?

17 A More or less. Um-hum.

18 Q And after the restrictions on cleaning stay-over  
19 rooms ended, the calculation of housekeepers that were  
20 needed returned to just occupancy divided by 14?

21 A Whenever we started to clean all the stay-overs,  
22 yes. Um-hum.

23 Q Okay. Do you recall when Eurostars started to  
24 clean all the stay-overs again?

25 A I think -- I'm not sure. Maybe -- anytime in 2022

1 I think, but I don't remember.

2 HEARING OFFICER MOLANO: Do you remember if it was  
3 the beginning, middle, or end of 2022?

4 THE WITNESS: I will say maybe the end. I'm not  
5 sure.

6 HEARING OFFICER MOLANO: Okay. Thank you.

7 Q BY MS. YAN: And Patricia, we're talking about  
8 projections for housekeeping for occupied rooms. So in  
9 September 2022 for example could you see what at that  
10 time the projected occupancy would be for October 2022?

11 A Well we have forecasts and we try to predict  
12 exactly what will happen, but it's really difficult to  
13 say and I say before.

14 Q And how far out would your room occupancy  
15 projections go?

16 A It totally depends of the month, but sometimes  
17 there's a difference of more than 20 percent.

18 Q What does the 20 percent mean? Is 20 percent of  
19 what?

20 A Of occupancy. So maybe I mean -- yeah. Sorry.

21 Q So actually what my question was, for example, in  
22 September 2022, how far out for the rest of the year for  
23 example or into the next year would the hotel calculate  
24 what it expected its occupancy to be in the future.

25 A So normally October is a strong month, so normally

1 it's high occupancy. November normally is middle season  
2 and December normally is low. But last year for example  
3 November and December were months with really high  
4 occupancy.

5 HEARING OFFICER MOLANO: And when you say last  
6 year, do you mean 2022 or --

7 THE WITNESS: Yes. 2022.

8 HEARING OFFICER MOLANO: -- 2021. Thank you.  
9 Sorry, Ms. Yan.

10 Q BY MS. YAN: And your description of November and  
11 December as having high occupancy, is that based on the  
12 numbers you collected after November and December 2022?

13 A What do you mean? If my expectations were really  
14 like that or?

15 Q When you describe November and December 2022 as  
16 having high occupancy, are you describing actual numbers  
17 of occupancy?

18 A Yeah. The numbers were high.

19 Q Okay. And I don't know that I got a clear answer  
20 to my previous question which is you described having,  
21 you know, you guys try to forecast what the occupancy  
22 will be in the future, so, and you said that involves a  
23 number of factors, correct?

24 A Um-hum.

25 Q Okay. So would that estimate of what occupancy you



1 expected differ from the simple number of reservations  
2 you had for that month?

3 A Yeah. It changed.

4 Q Okay. So I guess maybe it's easier to talk about a  
5 specific example. So let's talk -- so for example  
6 you're in June 2022. Can you go in your system and see  
7 how many reservations you have for October 2022?

8 A Yeah. I can see what I have already in the books.

9 Q Okay. And in June 2022, would you attempt to make  
10 calculations on the number of reservations in October  
11 '22 to estimate what you expect the actual occupancy  
12 rate will be in October 2022?

13 A We have expectations. Yes.

14 Q What are those expectations based off of?

15 A So there are different factors. So we are  
16 considering occupancy, how the occupancy was changing  
17 during the year, in every single month comparing with  
18 the previous year, was that specific month that we are  
19 looking, what was happening the previous year. So it's  
20 a number of factors all together. So normally it will  
21 be first of all the previous year and then how this year  
22 is reacting. Because if you are only considering what  
23 was happening the last year but not considering what is  
24 happening this year, the prediction, it won't be, it  
25 will be wrong.

1 MS. YAN: All right. And --

2 HEARING OFFICER MOLANO: Ms. Yan, I'm going to ask  
3 -- well Ms. Yan, maybe you're going to address it. Go  
4 ahead. Sorry.

5 MS. YAN: Sure.

6 Q BY MS. YAN: So in the same example, you're in June  
7 2022, when would you -- when would you make that  
8 estimation, that comparison of previous year numbers in  
9 October 2021 along with the occupancy rates in 2022  
10 previous to the day you're looking at it? When would  
11 you make that calculation for October 2022?

12 A So the thing is that the numbers are changing all  
13 the time, because the thing is that you, you are  
14 calculating about it from one year to another one, but  
15 it changes a lot so it totally depends how the months  
16 are happening and how the things are changing. So the  
17 forecast that you are preparing the previous year  
18 normally *[inaudible]*. You have to change it as soon as  
19 the months are happening to see exactly what is  
20 happening on the city.

21 Q Okay. So what is the -- so for this forecast  
22 you're talking about, how often do you make that  
23 forecast?

24 A Like expectations of which one will be the  
25 occupancy that we will expect for that month?

1 Q Yes. So for example, if you're in June 2022, when  
2 would you make a forecast for July 2022, or if at all?  
3 If you wouldn't, then that's fine.

4 A So before the previous year ends we are doing a  
5 forecast for the following year to see exactly to  
6 reflect our budget basically and then we will work on  
7 the occupancy [inaudible] every month to see exactly  
8 what is happening because you were predictable something  
9 in the previous year and you don't know exactly which  
10 ones are expectations or how the clients will make the  
11 reservations and when and how long time in advance. So  
12 it's changing a lot.

13 Q Okay. So if I understand it, you set a budget at  
14 the, before the year begins, so this would be in 2021  
15 for 2022.

16 A Yeah. Yeah.

17 Q And then -- and that budget gets approved for the  
18 year by the owner of the company for example?

19 A Yes.

20 Q All right. And then after it gets approved, you  
21 review it month by month?

22 A In general, yes.

23 Q All right. And when does that review occur? Does  
24 it -- sorry. Scratch that. Does that review occur on a  
25 regular basis?

1 A Yes.

2 Q All right. So what is the schedule of that review?

3 A For the -- well I mean we are making two different  
4 ones. So for example, right now we are end of July, so  
5 before -- right now between 25<sup>th</sup> of July to 1<sup>st</sup> of July,  
6 I have to make an update for August and then in the  
7 middle of August I'm making another review for August.  
8 And normally it's like the end of the month you are  
9 making another review for the following month and then  
10 in the middle you are making another review for that  
11 month and for the following one.

12 Q Okay. So for August 2023, you would make the  
13 review in essentially this week of July 24 through July  
14 28<sup>th</sup>?

15 A So there will be two reviews, three reviews for  
16 each month; one middle of the previous month, again --

17 Q And what is that review for? What is the first  
18 review for in the middle of the previous month?

19 A For the following month and for the month that is  
20 happening at that moment.

21 Q What are you reviewing?

22 A Occupancy. Occupancy. I mean everything;  
23 occupancy, prices, everything. So it's a whole budget.

24 Q Got it. And then what's the second review?

25 A So the second review will be by the end of the

1 month.

2 Q All right. And what is that review for?

3 A Same thing.

4 Q Okay. And this is a review by the end of the month  
5 for the following month?

6 A By the end of the month is for the following month.  
7 Yeah.

8 Q Okay.

9 A And the middle one is for that month and the  
10 following one.

11 Q And then what's the third review that you do?

12 A So you're taking that month -- okay. Let me think  
13 about it. So we are doing by the end of the month, then  
14 -- no. The general budget is only twice. General  
15 budget is only twice. Then of course occupancy or  
16 scheduling or things like that is something that we are  
17 checking every day. But like the whole budget of the  
18 hotel, but I don't know exactly if this is what you are  
19 looking for, this we are making twice.

20 Q All right. And the general budget would include  
21 dollars for new employees?

22 A It's general. I mean it's not like this is for  
23 new, this is for old, this is -- no. Just in general.

24 Q It would include numbers for labor?

25 A Yes.

1 Q All right. And when did that general review occur  
2 each year?

3 A Before the end of the year, normally around -- it  
4 totally depends of the year, but normally around October  
5 or November.

6 Q And you said it happened twice, so what's the  
7 second time that a general review would happen?

8 A So, okay. So we are doing a whole year like around  
9 October or November. And then --

10 HEARING OFFICER MOLANO: For the following year?

11 THE WITNESS: For the following year. Yes. And  
12 then on each month you are making two reviews for that  
13 month and the following month. So it's like you are  
14 changing constantly the same numbers that you were  
15 predictable at the beginning.

16 MS. YAN: All right. And then --

17 HEARING OFFICER MOLANO: When you say changing, is  
18 it fair to say that you'd be revising those numbers?

19 THE WITNESS: Yeah. Revising. Yeah.

20 HEARING OFFICER MOLANO: Okay. Go ahead, Ms. Yan.

21 Q BY MS. YAN: Thank you. And Patricia, if you  
22 wanted to revise the budget numbers, who would need to  
23 approve that?

24 A What do you mean?

25 Q So say you're looking at occupancy; oh, no, there

1 is a tour group. There's -- we have 100 more people  
2 coming in than expected and you think oh, I need to hire  
3 a new person and our budget wouldn't account for that.

4 Who would --

5 A The budget is not -- the budget is not calculating  
6 specific people or number of people. It's based on you  
7 are considering that the room cost \$20, so you are like  
8 making whole expenses. You are not calculating number  
9 of people.

10 Q Sure. Okay. Got it. So say you're looking at the  
11 -- but there's a pool of money for employee costs,  
12 correct?

13 A Um-hum.

14 Q All right. And is there --

15 HEARING OFFICER MOLANO: Ms. Cereiyo, for the  
16 record, can you just say yes? I think you said um-hum  
17 which is like another way of saying yes. But just so  
18 that the record when we have the transcript is clear, if  
19 you can just say yes or no.

20 THE WITNESS: Because I don't know exactly if there  
21 was a question or what she's trying to ask me and I  
22 don't know exactly what that means. I'm only - like for  
23 employees, I don't know yet, so this is why I didn't say  
24 yes or no.

25 HEARING OFFICER MOLANO: That's all right. And if

1 you don't understand the question or if you want her to,  
2 you request to have her rephrase it, you can go ahead  
3 and do that.

4 THE WITNESS: Okay.

5 Q BY MS. YAN: All right. So Patricia, there's a  
6 pool of money for employee costs, correct, in the  
7 budget?

8 A Yes.

9 Q All right. So if you determine that that amount of  
10 money was not sufficient to address the occupancy of the  
11 hotel, who would you need approval from to amend that  
12 pool of money for employee costs?

13 A So the budget is not calculating for number of  
14 people or for which one is the cost of one person. The  
15 budget is changing. Like if we are speaking  
16 specifically about housekeeping department, it's based  
17 on occupancy. So each room has a cost and if you sell  
18 more rooms, you have more money to spend.

19 MS. YAN: Got it. Okay. So it's a per room, per  
20 room calculation. Thank you for --

21 HEARING OFFICER MOLANO: I'm sorry. Ms. Wernick,  
22 did you say something or were you trying to say  
23 something?

24 MS. WERNICK: No. I was nodding to myself. Sorry.  
25 Sorry.



1 HEARING OFFICER MOLANO: Okay. Sorry. I thought I  
2 heard a sound. My apologies. Go ahead, Ms. Yan.

3 Q BY MS. YAN: Okay. But -- so, okay. So that rate  
4 of, okay, so per room, the cost you get from the room --  
5 sorry. The income you receive from the room and then  
6 the expenses associated with the room, that's, does that  
7 change throughout the year?

8 A Yeah. It changes during the year.

9 Q All right. Who do you -- who approves those  
10 changes?

11 A So there are several departments working together  
12 to create that budget.

13 Q Okay. So how long would that process take to  
14 change the budget, budgeted rate for a room?

15 A I don't think that I understand the question.

16 Q So you said there's multiple departments involved  
17 if the rate, the budget rate needs to change. And I  
18 asked who needs to approve that change. So can you tell  
19 me all the departments that are involved in approving  
20 the budget change?

21 MS. WERNICK: Objection. I think that's a  
22 mischaracterization. She said there's multiple  
23 departments involved in making the budget. I don't know  
24 that we've established how and if it gets changed.

25 MS. YAN: Okay. Yeah. Yeah. I can -- I can go

1 back through.

2 Q BY MS. YAN: Patricia, does the budget change  
3 throughout the year?

4 A Yes.

5 Q All right. Who is involved in changing the budget  
6 if it needs to change during the year?

7 A Revenue department, accounting department. Well  
8 there is a department that I don't know the name of that  
9 department in English to be honest. We can say like  
10 controlling, because I don't know the word for English  
11 for that. And myself.

12 Q All right. So three different -- so two  
13 departments and you need to approve --

14 A Three departments.

15 Q Three departments and you? Okay. And then the  
16 budget changes after that?

17 A Um-hum.

18 Q All right. How long --

19 HEARING OFFICER MOLANO: Ms. Cereiyo, was that --  
20 was that yes?

21 THE WITNESS: Yes.

22 HEARING OFFICER MOLANO: Thank you.

23 MS. YAN: Thank you.

24 Q BY MS. YAN: And how long does that process usually  
25 take?

1 A To change the occupancy that we will have of that  
2 we were predictable that we will have or --

3 Q To change the budget that we've just been -- what  
4 we've just been talking about, changing the budget rate.  
5 How long would that take you and the three departments  
6 from beginning to end of the process?

7 A Two days.

8 Q Okay. Patricia, are you aware of how the Indeed  
9 generally works at Eurostars?

10 A More or less.

11 Q All right. So when you put up a job posting, it  
12 has more visibility with candidates, correct?

13 A Yes.

14 Q So if Eurostars was looking for employees and  
15 wasn't getting enough applicants, could it repost a job  
16 posting to get higher visibility?

17 A Yes.

18 Q All right. And do you recall in March 2022 if  
19 Eurostars did exactly, reposted a housekeeper job three  
20 times?

21 A I don't recall.

22 Q Patricia, just a question about, kind of about your  
23 data collection I guess. Can you -- can you identify  
24 what the November, what the November 2022 occupancy,  
25 occupancy -- or I guess reservation numbers would have

1   been in July 2022 for example?

2   A     You have an estimate that what you think that will  
3   happen.

4   Q     But does your system preserve those numbers at all  
5   or do they just constantly change based on the number of  
6   reservations?

7   A     They constantly change.

8           HEARING OFFICER MOLANO:  Ms. Yan, I just want to  
9   make sure I understand.  Are you asking if there is,  
10  whether there would essentially be a record of, at the  
11  time of July 2022, whether there were, what the  
12  reservation numbers were expected to be or projected to  
13  be in November 2022?

14          MS. YAN:  Yes.  That's right.

15          HEARING OFFICER MOLANO:  Okay.

16          MS. YAN:  So I can restate the question more  
17  clearly.

18          HEARING OFFICER MOLANO:  Okay.

19  Q     BY MS. YAN:  So Patricia, so in January -- sorry.  
20  In July 2022, would there be a record -- or sorry.  
21  Would there be a record of what the projection for  
22  November 2022 would be in July 2022?

23  A     I mean what we already have reserved, yes.  But  
24  what we are expecting to be reserved, no.

25          HEARING OFFICER MOLANO:  Ms. Cereiyo, would that

1 record still exist today, the record that existed in the  
2 example Ms. Yan said? Like if hypothetically, and I'm  
3 not asking you to do this, I'm just trying to make sure  
4 I understand your answer. If you wanted to, could you  
5 go back in this moment to some computer or other record  
6 to see at the time of let's say July 1<sup>st</sup>, 2022 what the  
7 either projected occupancy was or the reservation  
8 numbers were for November 1, 2022?

9 THE WITNESS: Not the projected. You can see what  
10 was reserved. Like if right now I would like to see  
11 November of 2024, I can see how many reservations I  
12 already have reserved for that day.

13 HEARING OFFICER MOLANO: Right. But this is a  
14 slightly different question. It's almost asking if  
15 there's a record of kind of back in time in real time.  
16 So could you -- is there something that shows what the  
17 reservation numbers were on July 1<sup>st</sup>, 2022 for the time  
18 of November 1, 2022? Could you go look at that now if  
19 you wanted to?

20 THE WITNESS: I think so.

21 HEARING OFFICER MOLANO: Okay. Go ahead, Ms. Yan.

22 MS. YAN: Thank you.

23 Q BY MS. YAN: All right. So Patricia, you were  
24 testifying that since you returned from the pandemic in  
25 August 2020 there have been new fluctuations to

1 occupancy rates, correct?

2 A Yes.

3 Q All right. And in general, the last two weeks  
4 before a date when you were actually, you know, the  
5 people would be arriving, are those fluctuations  
6 generally upward or downward?

7 A Two weeks before the date?

8 Q Two weeks before the date.

9 A I mean two weeks before the date, can happen that  
10 we don't receive a lot of reservations. It's like kind  
11 of a *[inaudible]*. Or we can receive cancellations or we  
12 are receiving few reservations.

13 Q Okay.

14 A I mean a totality of things.

15 Q Sure. So I'm trying to clarify when you're talking  
16 about fluctuations. What percent of the time, if you  
17 can recall in 2020, were those fluctuations two weeks  
18 prior to the date of arrival upwards or downwards?

19 HEARING OFFICER MOLANO: I'm a little confused as  
20 to the question.

21 THE WITNESS: Yeah. Me, too.

22 HEARING OFFICER MOLANO: Please say, say it again.  
23 I'm sorry.

24 MS. YAN: Sure.

25 Q BY MS. YAN: So two weeks prior to the date of

1 arrival in general, would the fluctuations in occupancy,  
2 would the reservations go up two weeks prior to the date  
3 of arrival compared to, for example, the month before or  
4 would they go down?

5 A I'm still not sure if I understand the question.

6 Q Let me -- let me see if we can get more exact.

7 Okay. So August 1, 2022, you look at the numbers,  
8 they're 100.

9 HEARING OFFICER MOLANO: You're coming up with like  
10 a hypothetical, right? Is that what you are doing?

11 MS. YAN: Yes. This is a hypothetical. Yes. It's  
12 not referring to any --

13 HEARING OFFICER MOLANO: Okay.

14 Q BY MS. YAN: August 1, 2022, the number of  
15 reservations is 100. August 15<sup>th</sup>, 2022, would that  
16 number generally go up or down from 100 from August 1,  
17 2022?

18 A So one question. So the 100 was on the 1<sup>st</sup> of  
19 August and now we're [inaudible] with 15 because they  
20 was moving --

21 Q Yeah. So two weeks later, approximately August  
22 15<sup>th</sup>, would there be more reservations coming in for, for  
23 example, August? Okay. So let's -- let's talk about --  
24 so August 1, 2022, we're looking at the projected  
25 occupancy on August 30<sup>th</sup>, 2022. So that is the date of

1 arrivals, August 30<sup>th</sup>, 2022. On August 15<sup>th</sup>, sort of the  
2 midpoint, would the number of reservations for August  
3 30<sup>th</sup> be higher than on August 1<sup>st</sup>, 2022 or lower?

4 A Normally, yes. No. Normally -- normally it would  
5 be higher.

6 Q Normally it would be higher.

7 A As soon as you are closer to the date, it's getting  
8 higher.

9 Q Okay. And August 2020, you reopened. Let's say  
10 like two/three months down the line, at that point had  
11 you noticed the fluctuations that were different from  
12 before?

13 A When?

14 Q So since you start -- you said you reopened after  
15 the pandemic in October, in August 2020. At what point  
16 did you notice that the fluctuations in occupancy rates  
17 was somewhat different than before?

18 A I will say -- I'm not sure if it was right as soon  
19 as we opened or it was maybe starting on  
20 October/November. Because there was a few changes. I  
21 don't remember specifically, but I know that November  
22 and December normally are slow months, and we were  
23 having a lot of changes around that time.

24 Q All right. So -- sorry. And the months you said  
25 were October and November of 2022?



1 HEARING OFFICER MOLANO: I thought we were talking  
2 2020.

3 THE WITNESS: Yeah. You were speaking of 2020.

4 MS. YAN: Sorry. Sorry. October and November of  
5 2020. I apologize.

6 THE WITNESS: Um-hum.

7 Q BY MS. YAN: So, okay. So approximately -- you're  
8 saying by October or November 2020 you were noticing  
9 that the fluctuations in the occupancy rate was  
10 different?

11 A I think so.

12 Q All right. Did you attempt to -- do you attempt to  
13 estimate the usual fluctuation upwards let's say two  
14 weeks prior to the date of staying in the hotel?

15 A We don't know what will happen, so the problem is  
16 that you can, of course, as soon as you are getting  
17 closer to the day, you are receiving more reservations.  
18 The problem is that we don't know if like two or three  
19 days before that specific day we will receive 30  
20 reservations for that day. I mean normally it's the  
21 closest. The reservations are coming like constantly on  
22 the previously days, but you don't know if on the same  
23 day or the day before or two days in advance of that  
24 date you will receive many reservations because  
25 sometimes happens and sometimes no. It's not a rule.

1 Q Sure.

2 A Because if it was always happening, the same thing,  
3 we could say okay, it doesn't matter if right now or one  
4 week from now we have 40 percent occupancy. We already  
5 know that no matter what, it will enter all this many  
6 reservations last minute, so it will be 100 percent  
7 occupancy. This we don't know because not every single  
8 day is happening the same thing. Sometimes happens,  
9 sometimes no.

10 Q Okay. Yes. But did you -- so -- but usually  
11 there's, there's an expected amount of reservation  
12 changes as you approach the day of people actually  
13 arriving at the hotel, correct?

14 A But we don't know the number and we don't know.  
15 The most important thing is that if the clients will  
16 make reservations for one night, two nights, or three  
17 nights. This is affecting the number of check-outs that  
18 you have on each different day.

19 Q Sure. But does -- did you or the hotel make an  
20 effort to model the ramp-up towards the date of stay?

21 MS. WERNICK: Objection. Asked and answered.

22 HEARING OFFICER MOLANO: Ms. Yan, can you respond  
23 to the objection?

24 MS. YAN: I don't think she answered my question.  
25 I think she said, you know, it depends. But she didn't

1 answer my question about whether they tried to, tried to  
2 evaluate how to plan out occupancy.

3 HEARING OFFICER MOLANO: You want to try asking  
4 more specific questions. And I'm going to ask one just  
5 because it's one that I have. I think maybe it's kind  
6 of along the same lines.

7 MS. YAN: Sure. Go ahead.

8 HEARING OFFICER MOLANO: Ms. Cereiyo, when  
9 considering projections of occupancy, did, do you or  
10 anybody else kind of on your team of doing this ever  
11 look at events that are happening in cities? So for  
12 example, concerts happening at Soldier Field such as  
13 Taylor Swift, events have a significant impact on the  
14 hotels generally. I'm not speaking about your hotel in  
15 particular. But as an example, is that something that  
16 is monitored or considered when doing projections?

17 THE WITNESS: Yes.

18 HEARING OFFICER MOLANO: Okay. Ms. Yan.

19 MS. YAN: Thank you.

20 Q BY MS. YAN: Patricia, as part of monitoring the  
21 occupancy at Eurostars, would you have -- did you or  
22 your team attempt to estimate the numbers that you could  
23 expect the occupancy to go up in the last two weeks  
24 before the date of stay?

25 HEARING OFFICER MOLANO: Can you attach a timeframe

1 that you're asking about or do you mean in general?

2 MS. YAN: In general, as a general practice?

3 THE WITNESS: Well in general you try to calculate  
4 which one will be the occupancy that you will have for  
5 the specific days. Normally when you will be  
6 considering to arrive to the numbers, if it's one day  
7 before, two days before, you already tried to set-up,  
8 which is the occupancy that you think that will happen.  
9 But if you are closing to the day and you are not  
10 receiving reservations, you [inaudible] that day and  
11 change everything and you're starting to receive a lot  
12 of reservations for a day that you didn't receive  
13 reservations from the previous week.

14 I mean you don't know exactly how the people will  
15 react and how everybody will reserve. I mean there are  
16 like -- there are specific events of course and  
17 everything that everybody knows that the city will get  
18 full, but then there are other events that maybe it's  
19 the first time that it's happening in the city, like  
20 Nascar, and nobody knows exactly what will happen, if  
21 people will actually make reservations to come or not.

22 And also weather is something that we have to take  
23 into consideration. I mean there are many factors that  
24 it's not accurate calculations because you don't know if  
25 clients will reserve or not. I mean I don't know.

1 Q BY MS. YAN: And these calculations that you would be  
2 making including events and like the, and last year's  
3 occupancy and the same year's occupancy, those were the  
4 two reviews we were talking about earlier, at the end of  
5 the previous month and the, and for the same month and  
6 then the review that happens mid-month.

7 A Um-hum. Yes.

8 HEARING OFFICER MOLANO: Okay. I have a quick  
9 follow-up. The projections of occupancy that you're  
10 referring to, is this automated? Is there like a  
11 computer system that just shoots it out, like some  
12 algorithm that's considering things on the internet, or  
13 is it, is it a human factor where it is you looking at  
14 the actual reservations and then -- I'm making -- I'm  
15 just giving an example -- and then like considering past  
16 numbers. Is it automated or is it a human that's doing  
17 this?

18 THE WITNESS: It's different things. There are  
19 things that are coming through, through our system that  
20 we are working with and there are things that are making  
21 manually.

22 HEARING OFFICER MOLANO: That are making what you  
23 said?

24 THE WITNESS: Because it's not -- manually.

25 HEARING OFFICER MOLANO: Manually. Okay.

1 THE WITNESS: Um-hum. So it's -- because we are  
2 concentrating on occupancy, but of course the department  
3 that is making all these calculations, checking all the  
4 systems and everything [inaudible] department, and they  
5 are having considerations also prices, not only  
6 occupancy. So it's a whole thing, so.

7 HEARING OFFICER MOLANO: Thank you. Go ahead, Ms.  
8 Yan.

9 MS. YAN: Thank you.

10 Q BY MS. YAN: So Ms. Cereijo, when you were talking  
11 earlier about there being a higher occupancy in November  
12 and December of 2022, you wouldn't have known the actual  
13 numbers of occupancy for those months in September,  
14 correct?

15 A We are making expectations and we think on the  
16 numbers that can happen, but we don't know for sure yet.

17 Q And the previous November and December of 2021 were  
18 not super busy, correct?

19 A I don't remember 2021, but in general I think that  
20 it wasn't a good year.

21 Q Sorry. Wasn't a good year?

22 A It wasn't a good year.

23 MS. YAN: Thank you.

24 HEARING OFFICER MOLANO: I'm so sorry to ask you to  
25 repeat yourself. Did you say was or was not?

1 THE WITNESS: Was not. Was not.

2 HEARING OFFICER MOLANO: Thank you. Sorry about  
3 that.

4 THE WITNESS: No, no. That's fine.

5 MS. YAN: All right. I'm going to move on to a  
6 different subject. All right.

7 Q BY MS. YAN: So Patricia, yesterday you testified  
8 you did not request to implement a different wage rate  
9 during the 2022 negotiations with the union. Is that  
10 correct?

11 A I'm sorry. What?

12 Q Yesterday you testified that you did not request to  
13 implement a different wage rate during 2022 negotiations  
14 with the union. Isn't that correct?

15 MS. WERNICK: Objection. That's a  
16 mischaracterization of her testimony.

17 HEARING OFFICER MOLANO: Did she answer the  
18 question?

19 MS. WERNICK: *[inaudible]*.

20 HEARING OFFICER MOLANO: I'm sorry. What was that,  
21 Ms. Wernick?

22 MS. WERNICK: She stated she didn't change the wage  
23 rate and that she couldn't change the wage rate, but I  
24 don't believe she testified yesterday that she didn't  
25 ask to change the wage rate.

1 MS. YAN: Well I did ask her that question and she  
2 answered.

3 HEARING OFFICER MOLANO: I really don't remember  
4 there being a question about whether there was a request  
5 to make a change. Can you state your most, the question  
6 that you're asking right now, Ms. Yan? I'm sorry to ask  
7 you to repeat yourself.

8 MS. YAN: I can rephrase slightly, too.

9 Q BY MS. YAN: Patricia, yesterday did you -- did you  
10 testify that the hotel did not request to implement a  
11 different wage with the union during 2022 negotiations?

12 A So while we were negotiating the contract, we were  
13 speaking about salaries and we give them offers, but it  
14 wasn't something that was on the table because they  
15 wanted to have the whole contract.

16 Q Did you --

17 A So we were speaking about wages.

18 Q Patricia, can you respond to my questions only.

19 Did you reach an agreement with the union on a wage that  
20 should be applicable to the housekeepers in 2022?

21 A We didn't arrive to an agreement.

22 Q Did you reach an agreement on a wage to implement  
23 for housemen in 2022?

24 A We didn't arrive to an agreement.

25 Q All right. Do you recall --



1 HEARING OFFICER MOLANO: Ms. Yan, I want to ask a  
2 clarifying question to you. Are you asking if there was  
3 like a tentative agreement or an actual agreement to  
4 implement?

5 MS. YAN: A tentative agreement.

6 HEARING OFFICER MOLANO: Okay. Can you ask your  
7 question again using that language?

8 MS. YAN: Sure.

9 Q BY MS. YAN: So Patricia, did you reach a tentative  
10 agreement with the union on a wage to implement for  
11 housekeepers at Eurostars in 2022?

12 A We didn't reach agreements.

13 Q Okay. And did you reach an agreement with the  
14 union, reach a tentative agreement with the union on a  
15 wage to implement with the housemen at Eurostars in  
16 2022?

17 A We didn't arrive to any agreement.

18 Q Okay. Do you recall what the union was asking to  
19 increase the wage to?

20 MS. WERNICK: Objection. Relevance.

21 HEARING OFFICER MOLANO: Ms. Yan, how is this  
22 relevant?

23 MS. YAN: In testimony that they couldn't increase  
24 the wage rate and that it made it hard to hire. Trying  
25 to --

1 HEARING OFFICER MOLANO: Trying to?

2 MS. YAN: -- trying to dig into that further and,  
3 yeah. I just ask for a little bit more leash on that.

4 HEARING OFFICER MOLANO: Overruled. Go ahead.

5 MS. YAN: Thank you.

6 Q BY MS. YAN: Patricia, do you recall what the union  
7 was asking to increase the housekeeper wage rate to?

8 A I don't remember exactly the number. I don't know.  
9 20, 20 something. I don't remember exactly the number.

10 Q 20 something an hour?

11 A Yeah.

12 Q Would that have made your job postings for  
13 housekeeper more competitive?

14 A A higher salary than we have will make it. Yeah.

15 Q Yeah. But the Employer didn't agree to that, that  
16 proposed wage rate for housekeepers?

17 A The union didn't agree with us on the ones that we  
18 proposed either.

19 Q What did the Employer propose for a housekeeper  
20 wage rate?

21 A There was some back and forth on different  
22 proposals that we offered and I don't remember which one  
23 was the last one that we offered.

24 Q Was the Employer's proposal for a housekeeper wage  
25 rate higher than the union's proposal?

1 A No.

2 Q And Eurostars withdrew recognition from the union  
3 in September 2022. Is that correct?

4 A I think so.

5 Q What is your current wage rate for housekeepers?

6 A Minimum wage.

7 Q All right. And do you know exactly what that is  
8 right now for housekeepers?

9 A 15.80.

10 Q 15.80 an hour?

11 A Um-hum. Yes.

12 Q All right. And when did that increase from 15.40  
13 an hour?

14 A July 1<sup>st</sup>, 2023.

15 Q Okay. And is the current houseman wage rate the  
16 same?

17 A Yes.

18 Q All right. And did it increase from 15.40 an hour  
19 around the same time as the housekeeper wage rate  
20 increased?

21 A Minimum wage was changed for everybody at the same  
22 time.

23 Q Patricia, who invited the employees to the meetings  
24 about the union election in October 2022?

25 A I think -- I don't remember the supervisor, but the

1 supervisor that was working that specific day let them  
2 know.

3 Q And were you present when they, when the supervisor  
4 let the employees know to attend the union meeting or  
5 the meeting about the union election?

6 A No. I wasn't there.

7 Q Were you there at either -- there's -- there have  
8 been two rounds of meetings about the union election,  
9 correct?

10 A Um-hum. Yes.

11 Q Were you present for either meeting where the  
12 employees were actually told to go to those sessions?

13 A Yes. I was in the meeting.

14 HEARING OFFICER MOLANO: Ms. Yan, I think your  
15 question was a little bit confusing.

16 Q BY MS. YAN: All right. So for the first round of  
17 meetings, were you present when the employees were  
18 informed about the meetings happening?

19 A So you mean if I was present when the supervisor  
20 was letting them know that there would be a meeting?

21 Q Yes.

22 A No. I wasn't present.

23 Q And do you know if employees were told before the  
24 meeting about the first set of meetings about  
25 unionization whether room assignments would be adjusted

1 downwards?

2 A I don't know if they knew in advance. What I know  
3 is that they knew that it wasn't mandatory, that they  
4 can decide if they wanted to go or not. I put in that  
5 they will tell them that during the time that the  
6 meeting will occur, if they were going there, the  
7 credits will be reduced, because this is our procedure.  
8 Every time that there is any kind of meeting or any kind  
9 of training or whatever, we reduce the credits.

10 MS. YAN: All right.

11 HEARING OFFICER MOLANO: Ms. Cereiyo, I've got a  
12 quick question. Did you give any specific instructions  
13 to your housekeeping supervisors or housekeeping manager  
14 about what should be communicated to the employees  
15 concerning these sets of meetings involving the union?

16 THE WITNESS: Yes.

17 HEARING OFFICER MOLANO: What were those  
18 instructions?

19 THE WITNESS: I told -- so I told them specifically  
20 that you inform the employees that it was not mandatory  
21 meeting, that they could go if they want or not and  
22 depends of the time, the duration of the meeting, the  
23 credits will be reduced accordingly.

24 HEARING OFFICER MOLANO: Okay. So I'm just going  
25 to note on the record that that was the instruction. It

1 doesn't necessarily establish that that's what was told  
2 to them, but at least there is -- I think that might be  
3 what you're looking for, Ms. Yan.

4 MS. YAN: Thank you. All right.

5 Q BY MS. YAN: So there's been -- so we've been  
6 talking about Jason Rodriguez is the consultant that  
7 came into do the two sets of meetings about the union  
8 election. Had employees -- had housekeeping employees  
9 met Jason Rodriguez prior to the first meeting about the  
10 union election in October 2022?

11 MS. WERNICK: Objection. Calls for speculation.

12 MS. YAN: That you know of?

13 THE WITNESS: No. I don't know that anybody knows  
14 him before then.

15 Q BY MS. YAN: Had you invited Jason Rodriguez to  
16 give a presentation at Eurostars to the housekeeping  
17 employees prior to October 2022?

18 A What do you mean?

19 Q Had you contracted with Jason Rodriguez to speak  
20 with housekeeping employees prior to the first set of  
21 meetings in October 2022?

22 A Yeah. I spoke with him before.

23 Q Had he spoken with employees of the housekeeping  
24 department at Eurostars prior to October 2022?

25 A No.

1 Q And did you --

2 A Well I don't -- I don't -- I'm not sure exactly  
3 when the meetings occurred, but I think that they were  
4 in October, all of them, but I'm not sure.

5 Q Okay. Did you speak in the first set of meetings  
6 with Jason Rodriguez?

7 A I don't think so. I was just listening to him.

8 MS. YAN: Okay.

9 HEARING OFFICER MOLANO: Ms. Yan, I'm sorry to  
10 interrupt. I'm going to have to take a break in the  
11 short-term and so I'm just -- do you have a bunch more  
12 to go where there's kind of really no good time to do it  
13 or is there going to be a natural break let's say in the  
14 next five-ish minutes?

15 MS. YAN: I think this is a good natural break. I  
16 was going to request like a minute or two to double  
17 check that I don't have anything else. So if we can  
18 just take five to do a courtesy break and just wrapping  
19 up for me, that would be great.

20 HEARING OFFICER MOLANO: Do you mean right now?

21 MS. YAN: Yes. Right now would be great.

22 HEARING OFFICER MOLANO: Okay. That will be  
23 perfect. So let's take a five minute break. Ms.  
24 Cereijo, since you're still on the stand, please do not  
25 discuss your testimony with anyone just as we've been

1 doing. And I'll see everyone in five minutes. Off the  
2 record.

3 (OFF THE RECORD)

4 HEARING OFFICER MOLANO: Okay, welcome back.

5 Ms. Yan, do you have an additional -- any  
6 additional questions for Ms. Cereijo?

7 MS. YAN: Not at this time.

8 HEARING OFFICER MOLANO: Okay. I have just one.

9 EXAMINATION BY THE COURT

10 HEARING OFFICER MOLANO: Ms. Cereijo, you had  
11 testified about -- with some specificity about an  
12 increase in occupancy on this past Saturday, July 22nd,  
13 2023.

14 Do you remember that?

15 THE WITNESS: Yes.

16 HEARING OFFICER MOLANO: Was there any particular  
17 event that you are aware of happening in the city on  
18 that date, or let's say, the prior night before?

19 THE WITNESS: It was Beyonce concert that we didn't  
20 expect that it will increase that much, but the thing is  
21 that if you are having tickets for that concert, I put  
22 in (inaudible) the day before for the same day, so we  
23 wouldn't show like how it is related, but we knew about  
24 that event.

25 HEARING OFFICER MOLANO: Okay, the Beyonce concert?



1 THE WITNESS: Uh-huh.

2 HEARING OFFICER MOLANO: Okay, got it. Thank you.

3 THE WITNESS: Uh-huh.

4 HEARING OFFICER MOLANO: That was my only question,  
5 Ms. Yan. Did you have any follow-up?

6 MS. YAN: No.

7 HEARING OFFICER MOLANO: Okay, Ms. Wernick, do you  
8 have any questions on cross?

9 MS. WERNICK: I do.

10 HEARING OFFICER MOLANO: Would you want to take a  
11 -- a break, or are you ready to go with your cross?

12 MS. WERNICK: Yes, just like one or so.

13 HEARING OFFICER MOLANO: Okay.

14 RECROSS EXAMINATION

15 Q BY MS. WERNICK: Ms. Cereiyo, do you recall if the  
16 proposal with the hotel gave to the Union for wages were  
17 higher than current wages?

18 A Yes.

19 HEARING OFFICER MOLANO: Yes, you recall, or yes,  
20 they were higher?

21 THE WITNESS: Yes, they were higher.

22 HEARING OFFICER MOLANO: Thank you.

23 I'm sorry, Ms. Wernick.

24 Q BY MS. WERNICK: And would that thing have been  
25 easier had the Union accepted the amount that the hotel

1 proposed for wages?

2 A Say what?

3 Q Would staffing have been easier in '22 if the Union  
4 had accepted the Hotel's proposed wages?

5 A Yes.

6 Q Were the Union's proposed wages tied to any other  
7 terms?

8 A Yes.

9 MS. YAN: Objection; calls for hearsay.

10 HEARING OFFICER MOLANO: Ms. Cereiyo, were you  
11 present in the negotiations sessions with the Union?

12 THE WITNESS: Yes.

13 HEARING OFFICER MOLANO: Ms. Yan, I mean, you asked  
14 a number of questions of Ms. Cereiyo concerning what  
15 happened in the bargaining sessions. I think Ms.  
16 Wernick's question is similar to the extent she is  
17 asking about her knowledge. I guess I am wondering how  
18 now your objection is that it is hearsay. You have  
19 every right to make an objection at any point in time  
20 and I'm not saying you shouldn't I'm just ask you to  
21 respond to that.

22 MS. YAN: No. I just wanted to note that, in  
23 particular, the testimony would be hearsay, and I guess  
24 also I am objecting based on foundation.

25 HEARING OFFICER MOLANO: Ms. Wernick, do you want

1 to ask a couple of questions to establish foundation?

2 MS. WERNICK: Yeah, I think we previously have on  
3 the record, but I am happy to.

4 Q BY MS. WERNICK: Ms. Cereiyo, were you the  
5 Employer's representative in negotiations with Unite  
6 Here?

7 A Yes.

8 Q And did you attend every bargaining session between  
9 the Employer and Unite Here -- I am going to limit this,  
10 in 2022?

11 A Yes.

12 Q And did you review and approve all proposals that  
13 the Employer presented to Unite in 2022?

14 A Yes.

15 Q And did you review all proposals that the Union  
16 presented to the Employer in 2022?

17 A Yes.

18 Q Did the Union submit any Employer's -- I'm sorry --  
19 any proposals to the Employer regarding wages in 2022?

20 A There wasn't a need for the proposals. It was only  
21 one.

22 Q The Union only gave one proposal regarding wages;  
23 is that correct?

24 A Yes.

25 Q And did the Employer give multiple proposals

1 regarding wages?

2 A Yes.

3 Q Did the Union accept any of the Employer's  
4 proposals?

5 A No.

6 Q Did the Union ever change from the initial wage  
7 proposal?

8 A No.

9 Q Was the Union's wage proposal part of the larger  
10 package of proposals?

11 A Yes.

12 Q Did the Employer -- was it your understanding that  
13 the Employer had the ability to accept the Union's wage  
14 proposal without accepting other proposals from the  
15 Union?

16 A No.

17 Q So, your understanding was that the Union's wage  
18 proposal was contained in a complete package contract  
19 proposal; is that correct?

20 A Yes.

21 MS. WERNICK: I have no further questions.

22 HEARING OFFICER MOLANO: Is there any redirect?

23 MS. YAN: I don't believe so.

24 HEARING OFFICER MOLANO: Okay, Ms. Cereiyo, you are  
25 formally -- for the record, since there are no more

1 questions on direct from the Petitioner, and no more  
2 questions on cross from the Employer, Ms. Cereiyo is no  
3 longer going to be on the stand for purposes of serving  
4 as the Union's witness.

5 *[Witness excused]*

6 HEARING OFFICER MOLANO: Ms. Wernick, do you -- I'm  
7 sorry, Ms. Yan, do you have any additional witnesses or  
8 evidence you want to put on?

9 MS. YAN: Not at this time.

10 HEARING OFFICER MOLANO: Okay. Ms. Wernick, did  
11 you have any evidence that you wanted to put on  
12 rebuttal?

13 MS. WERNICK: I do.

14 HEARING OFFICER MOLANO: Okay. Please go ahead.

15 MS. WERNICK: I would actually request a little bit  
16 of time, as I mentioned before -- we have some exhibits  
17 that we are going to put in. I would like to finalize  
18 those and send those to the parties.

19 Would this be a good time for perhaps a lunch -- a  
20 working lunch break?

21 HEARING OFFICER MOLANO: That would be the perfect  
22 time to do so.

23 Do you -- just for planning purposes, and now that  
24 we are in -- do you intend to call any witnesses on  
25 rebuttal?

1 MS. WERNICK: Outside Ms. Cereijo, no.

2 HEARING OFFICER MOLANO: Okay, so just Ms. Cereijo,  
3 you do intend to call, but nobody else.

4 MS. WERNICK: That's correct.

5 HEARING OFFICER MOLANO: Okay. I have 12:15. So,  
6 for a working lunch, how about 1:00 p.m.?

7 MS. WERNICK: Sounds great.

8 HEARING OFFICER MOLANO: All right. Ms. Cereijo,  
9 you are released -- you are expected to be called back.  
10 So, we will reconvene at 1:00 p.m.

11 Thank you.

12 Off the record.

13 *[Off the record]*

14 HEARING OFFICER MOLANO: Welcome back, everybody.  
15 I hope you had a good lunch.

16 Based on off-the-record discussions, it is my  
17 understanding, Ms. Yan, that you wish to present some  
18 additional evidence as part of your case-in-chief. Is  
19 that correct?

20 MS. YAN: I do.

21 HEARING OFFICER MOLANO: Okay, please go ahead.

22 MS. YAN: The Union calls Angel Castillo to the  
23 stand, or to take the stand.

24 HEARING OFFICER MOLANO: Okay. He is in the  
25 waiting room, and I will go ahead and admit.

1 Good afternoon, Mr. Castillo.

2 Can you see and hear me?

3 HEARING OFFICER MOLANO: Yes, I do. Can you see  
4 me?

5 HEARING OFFICER MOLANO: Yes, I can see and hear  
6 you.

7 Thank you.

8 I just want to let you know that we are currently  
9 on the record.

10 The Petitioner just called you as a witness. You  
11 did previously testify the other day, and was sworn in,  
12 and I just want to note that you are still under oath.  
13 (Whereupon,

14 **ANGEL CASTILLO**

15 having been previously sworn/affirmed, was recalled as a  
16 witness herein, and was examined and testified via  
17 video-conference, as follows:)

18 HEARING OFFICER MOLANO: Since it is a new day, can  
19 you, just like you did before, please use your video to  
20 pan the room.

21 THE WITNESS: Yeah.

22 HEARING OFFICER MOLANO: I am seeing the ceiling,  
23 and --

24 THE WITNESS: Okay.

25 HEARING OFFICER MOLANO: I am wondering -- yeah,

1 just horizontally.

2 I am now seeing your finger.

3 THE WITNESS: All right. All right. Better?

4 HEARING OFFICER MOLANO: Perfect. If you can  
5 actually just stay at that level and go all the way  
6 around the --

7 THE WITNESS: Okay, now.

8 HEARING OFFICER MOLANO: Yeah, that's good, and  
9 just stay.

10 Okay, thank you, and can you show like the table or  
11 surface that might be in front of you?

12 THE WITNESS: Can you see it?

13 HEARING OFFICER MOLANO: Yeah, I don't see any  
14 notes on that table -- okay, that is the circle. Okay.

15 I didn't see anyone in the facility there with you,  
16 correct?

17 THE WITNESS: Nope.

18 HEARING OFFICER MOLANO: Okay, thank you for  
19 showing me...

20 Ms. Yan, you may begin the questioning of this  
21 witness.

22 MS. YAN: Thank you.

23 DIRECT EXAMINATION

24 Q BY MS. YAN: Angel, during 2022 negotiations with  
25 Eurostars, did the Employer request to implement any



1 wage increase?

2 A No.

3 MS. WERNICK: Objection, leading.

4 HEARING OFFICER MOLANO: Ms. Yan, can you -- can  
5 you approach it a little bit differently?

6 MS. YAN: Sure.

7 Q BY MS. YAN: Angel, what -- what interim changes,  
8 if any, did the Employer request to implement in the  
9 Housekeeping Department in 2022?

10 A The only change is that the Company asked to  
11 implement is the one that I already testified before,  
12 which was some changes in the Housekeeping rule as of  
13 the NLRB charge that we be -- and they asked us if they  
14 can implement those changes.

15 I don't have anything in front of me, so I don't  
16 want to speak for papers that we already got, so --  
17 those speak for themselves, and as of then we say "yes,"  
18 so they can comply with the NLRB decision.

19 Q Does the Union -- how often does the Union receive  
20 requests to change wages during negotiations?

21 A A lot of times.

22 Q How frequently does the Union agree to interim  
23 changes to wages during bargaining?

24 A The place that I have bargained, or all of the  
25 time?

1 Q At the places that you have bargained?

2 A All of the time.

3 Q Okay. What -- what proposals, if any, did you  
4 receive from Eurostars on the subject of wage increases?

5 A The proposal that we received is that the Company  
6 wanted to cap everything as status quo, and they wanted  
7 *[Indiscernible]* people.

8 Q Sorry, can you say that one more time? I didn't  
9 hear very clearly.

10 A The proposal that we received, based on the  
11 proposal that we make, is the Company wanted to keep  
12 everything as status quo. They did not propose any wage  
13 increases for those workers.

14 Q Okay. And what was the timing that was requested  
15 with the Employer's wage proposals?

16 A I don't remember the timing, in which they proposed  
17 them.

18 Q Okay. Was there -- okay.

19 HEARING OFFICER MOLANO: When you said "timing,"  
20 are you asking the approximate date that they made the  
21 proposals?

22 MS. YAN: No, let me clarify that.

23 Q BY MS. YAN: Angel, when the Employer made the  
24 proposal on wages, when did they request to implement  
25 that proposal?

1 A The Company never requested to implement -- make  
2 any proposals in terms of wages in that hotel.

3 MS. YAN: Thank you. That's all I have for you.

4 HEARING OFFICER MOLANO: I have one just  
5 clarification question.

6 Mr. Castillo, when you said -- you made a reference  
7 just now in response to the question that Ms. Yan asked  
8 you, you made a reference to papers that I think you  
9 already looked at. Do you remember referring to the  
10 papers?

11 THE WITNESS: The question was -- if I recall the  
12 question, it's not an order take -- not taking the  
13 notes. The question was if you -- if the Company had  
14 request to make any changes in the Housekeeping  
15 Department, and my answer was they did -- the NLRB  
16 charges that were filed, they saying some working  
17 conditions under workers which is already -- an  
18 attachment that speak about is already -- the Union  
19 already has submitted attachment, or that is what we  
20 call it, I don't remember the number of that attachment,  
21 they referred to the changes that the Company asked to  
22 implement in the Housekeeping Department. So, I don't -  
23 -

24 HEARING OFFICER MOLANO: Your --

25 THE WITNESS: Yeah.

1 HEARING OFFICER MOLANO: Your reference to  
2 attachment, do you mean an exhibit shown to you during  
3 this hearing?

4 THE WITNESS: Yes.

5 HEARING OFFICER MOLANO: Okay. I just wanted to  
6 understand to what specifically you are referring to.  
7 It is okay that we don't have a specific exhibit number,  
8 but just that if you were referring to some paper not  
9 shown to you during this hearing versus an exhibit that  
10 was presented to you during this hearing in your prior  
11 testimony.

12 THE WITNESS: Sorry, you are correct. An exhibit  
13 that I was presented. Yeah, that would be right.

14 HEARING OFFICER MOLANO: No need to apologize.  
15 Thank you.

16 Ms. Yan, any other questions?

17 MS. YAN: No.

18 HEARING OFFICER MOLANO: Okay, Ms. Wernick, any  
19 questions on cross?

20 MS. WERNICK: Thank you.

21 CROSS EXAMINATION

22 Q BY MS. WERNICK: Mr. Castillo, you said that the  
23 Union frequently grants requests for interim wage  
24 increases during negotiations; is that correct?

25 A Yeah.

1 Q And did the Union frequently grant interim wage  
2 increase requests for hotels without a first contract?

3 A Places that I have negotiate, yes.

4 Q But to clarify, did the Union grant -- frequently  
5 grant interim wage increases to employers that do not  
6 have a first contract?

7 MS. YAN: Objection; asked and answered.

8 HEARING OFFICER MOLANO: She is just asking to  
9 clarify. I am going to overrule it -- but just to make  
10 sure --

11 THE WITNESS: Places that I have negotiate that are  
12 first contract and the Company proposed to implement  
13 wages, we have agreed.

14 Q BY MS. WERNICK: And your testimony is that you  
15 have agreed to do so prior to implementation of a first  
16 contract?

17 A Yes.

18 Q And does it happen frequently?

19 A Places that I have negotiate where the company has,  
20 we have many.

21 Q Have you done it every time the company has asked?

22 A Every single time, yes.

23 Q And can you give me the names of some employers,  
24 and when you have implemented such interim increases,  
25 prior to an initial contract?

1 A I don't have the names in front of me, so -- we  
2 negotiate many contracts.

3 Q Do you know how many you have granted interim wage  
4 increases before an initial contract?

5 A I can't recall how many at this point.

6 HEARING OFFICER MOLANO: Can you -- sorry, it  
7 sounds like -- Ms. Wernick, sorry.

8 Q BY MS. WERNICK: Can you estimate how many?

9 A We have five places, yeah.

10 Q And over what period of time would you have agreed  
11 to those interim increases? You said five places, over  
12 how long?

13 A What do you mean "how long?" I don't understand  
14 the question.

15 Q Okay, let's break it down a little smaller.

16 In 2022, how many employers did you permit -- did  
17 you agree to interim wage increases before a first  
18 contract?

19 A I don't have a specific -- I don't recall all of  
20 the negotiations when they have, and how many, and when  
21 all of those things happened.

22 Q Can you estimate for the five employers that you  
23 indicated that the Union agreed to an interim increase  
24 prior to first contracts, over what period of time would  
25 you have granted that, in the last ten years, in the

1 last five years?

2 A In the last three years, I would say.

3 Q And have you granted every -- every interim  
4 increase that a employer without a first contract has  
5 requested?

6 A Yes.

7 Q Do you recall during negotiations having  
8 discussions with the Employer about their low wages  
9 affecting their ability to hire?

10 A I remember the Company saying they -- we had  
11 discussion when we told the Company that they were  
12 paying the people too little, not in relation that it  
13 affected them to hire people.

14 Q My question is a little different.

15 My question is, do you recall discussions with the  
16 Employer indicating that their low wages were --  
17 presented a difficulty in hiring?

18 A No.

19 MS. YAN: Objection, beyond the scope of direct.

20 He already answered though.

21 Q BY MS. WERNICK: No, you don't remember?

22 HEARING OFFICER MOLANO: Ms. Wernick, I am going to  
23 ask you to please stick to what was asked in direct.

24 MS. YAN: Mr. -- I mean, on direct Mr. Castillo was  
25 questioned about whether -- about whether this employer

1 asked for an interim wage increase. I am asking these  
2 questions because this would have been a relevant  
3 portion of the conversation about any wage increases and  
4 the need for one.

5 HEARING OFFICER MOLANO: Do you recall the most  
6 recent question, sir?

7 MS. WERNICK: Ms. Court Reporter, could you --  
8 could you please read back my last question?

9 THE COURT REPORTER: I can't on this, because it  
10 would take too long to --

11 MS. WERNICK: That's okay. Give me a second.

12 HEARING OFFICER MOLANO: Sorry about that.

13 MS. WERNICK: No, that's okay.

14 Q BY MS. WERNICK: Mr. Castillo, and I apologize if I  
15 have asked this -- I am just trying to recall my last  
16 questions.

17 Isn't it true that the Employer indicated during  
18 negotiations that their wages were hindering to their  
19 ability to hire?

20 A No.

21 Q Isn't it true that the Employer did present a wage  
22 proposal for wages higher than what they were currently  
23 paying?

24 A I don't believe so.

25 Q You don't believe that the Employer -- the



1 Employer's wage proposal was higher than their current  
2 wages at the time?

3 A I don't believe so.

4 Q Do you recall if the Employer presented more than  
5 one wage proposal?

6 A I don't recall how many they presented.

7 Q Do you recall if the Union presented more than one  
8 wage proposal?

9 A I recall our proposing the city standard wages, and  
10 staying to that.

11 Q Then the Union presented only one wage proposal?

12 A That's what I believe it would be.

13 Q Do you recall if the Union countered the Employer's  
14 initial wage proposal?

15 A I recall the Company want to stay in their wages,  
16 and we recall that we wanted to bring deeper to the  
17 city-wide standard. That is what I recall.

18 HEARING OFFICER MOLANO: I have a quick clarifying  
19 question.

20 Mr. Castillo, when you say the "city-wide  
21 standard," can you -- what do you mean by the "city-wide  
22 standard?"

23 THE WITNESS: Housekeepers in the city, that are  
24 represented by the Union, make \$23.73.

25 HEARING OFFICER MOLANO: Okay, so you are referring

1 to the Union, right now, like the city of Chicago?

2 THE WITNESS: Yeah.

3 HEARING OFFICER MOLANO: Government --

4 THE WITNESS: The Union, yeah.

5 HEARING OFFICER MOLANO: Thank you.

6 Q BY MS. WERNICK: It is your testimony that the  
7 Union never proposed any amount different than the city-  
8 wide area standard?

9 A That's what I recall.

10 Q Mr. Castillo, you said that amount was about  
11 \$23.00-and change; is that right?

12 A For a city housekeeping union city standard, it is  
13 \$23.73.

14 Q \$23.73?

15 A Per hour. Per hour, yes.

16 Q Thank you.

17 MS. WERNICK: I am going to ask to take a break. I  
18 am going to need a moment to prepare an exhibit.

19 HEARING OFFICER MOLANO: Okay. How long do you  
20 need?

21 MS. WERNICK: Five minutes?

22 HEARING OFFICER MOLANO: Okay, we are about to go  
23 off the record.

24 Mr. Castillo, while we do, since you are on the  
25 stand, please do not discuss your testimony with anyone

1 for those five minutes.

2 All right, off the record.

3 *[Off the record]*

4 HEARING OFFICER MOLANO: Okay.

5 Ms. Wernick, it is my understanding that you had  
6 additional questions for this witness; is that right?

7 MS. WERNICK: I actually believe Ms. Yan is  
8 controlling the "Share" screen. Could she please pull  
9 up Employer Exhibit 6? This is a new exhibit.

10 **(Employer Exhibit 6, marked for identification.)**

11 MS. YAN: Ms. Molano, let me know when you are  
12 ready.

13 Employer's 6, I have it right....

14 MS. WERNICK: If you could please scroll -- this is  
15 a three-page document. Could you please scroll down  
16 through the first page, the second page, and the third  
17 pages?

18 Thank you, and I will ask that you stop on the  
19 second page.

20 Q BY MS. WERNICK: Mr. Castillo, have you seen this  
21 document before?

22 A I don't recall seeing this document before.

23 Q Were you present at all negotiating sessions  
24 between Unite Here and Golden Mile in 2022?

25 A Yes.

1 Q Would you -- did you review every proposal  
2 presented by the Hotel to Unite Here in 2022?

3 A Yeah.

4 Q Do you recall if you were present at negotiations  
5 on June 15th, 2022?

6 A As I am sitting here, I don't -- I don't know what  
7 specific days we were negotiating.

8 Q Does this refresh your recollection at all as to  
9 whether the Employer presented any wage proposals to the  
10 Union?

11 A I can read what the documents say. I don't recall  
12 specifically recall when what proposal was what.

13 Q But do you recall that the Employer did make wage  
14 proposals?

15 A I recall the Company make proposal in terms of  
16 wages for the employees at Eurostar.

17 Q Okay. Your previous testimony was that the  
18 Employer did not make -- I'm sorry.

19 Let's go down to the first page of -- of Employer  
20 Exhibit 6.

21 HEARING OFFICER MOLANO: Let me just ask a  
22 clarifying question.

23 Mr. Castillo, are you saying that you don't recall  
24 whether you saw this at a bargaining session, or are you  
25 saying that you did not receive this at a bargaining

1 session?

2 THE WITNESS: I don't recall getting this at a  
3 bargaining session.

4 HEARING OFFICER MOLANO: Okay, thank you.

5 Please go ahead, Ms. Wernick.

6 MS. WERNICK: Thank you.

7 Q BY MS. WERNICK: Let's stay on this page for a  
8 moment.

9 Mr. Castillo, do you recall if \$16.00 per hour was  
10 higher than what the lowest paid employee made at Golden  
11 Mile in June 2022?

12 A I don't understand the question.

13 HEARING OFFICER MOLANO: Can you rephrase that?

14 MS. WERNICK: Sure.

15 Q BY MS. WERNICK: The proposal -- do you recall what  
16 minimum wage was in Chicago in June '22?

17 A I don't recall what was the Chicago minimum wage at  
18 that time, no.

19 Q Do you -- I'm sorry.

20 Do you recall what Golden Mile was paying its new  
21 Housekeeping employees in June of 2022?

22 A I don't recall a specific Eurostar, Golden Mile has  
23 different rate for different people, so I don't know  
24 what was the low or minimum. I don't recall it  
25 specifically.

1 Q But it's true that Eurostar paid its new employees  
2 Chicago minimum wage; correct?

3 A I can't speak of that, but hopefully they are  
4 following the law. The bracket was different for  
5 different people.

6 Q Was Eurostars permitted to increase its wages  
7 without negotiating with the Union in 2022?

8 A Eurostar was not -- Eurostar did not change  
9 workers' conditions without negotiating with the Union.

10 Q And Eurostars couldn't change employees' wages  
11 without negotiating with the Union; right?

12 A If it was a change, they could not.

13 Q And did the Union agree to any changes in wages  
14 with Eurostars in 2022?

15 A The Union disagree with the Company proposal that  
16 was made at that time.

17 Q I'm sorry -- so the Union did not agree to any wage  
18 increases in 2022.

19 A The Union disagree with any proposal that the  
20 Company made in terms of working wages.

21 Q And the parties did not reach agreement with  
22 respect to wage rates in 2022; correct?

23 A The parties did not reach agreement in general --  
24 it was not just in 2022. It was the entire food  
25 contract.

1 Q And that included wages, right?

2 A That would include wages, yes.

3 Q And Eurostars was maintaining wages set in place  
4 from the Dana Hotel; right?

5 A Eurostar was paying workers what -- was paying  
6 workers and they could have changes and then they would  
7 share them with us. I cannot speak on what they was  
8 paying who.

9 Q Okay, what -- we will get to that in a moment.

10 MS. WERNICK: Can we scroll down to the third page,  
11 please?

12 Q BY MS. WERNICK: Mr. Castillo, at the top it is  
13 titled, "Eurostars To Unite Here, Employer Economic  
14 Counterproposal No. 2, July 6, 2022."

15 Have you seen Page 3 before?

16 A I don't recall seeing this entire document,  
17 including this page.

18 Q And you don't -- and you don't recall receiving an  
19 additional wage proposal from the Employer where they  
20 increased from their original wage proposal.

21 A As I am sitting right here, I don't recall this  
22 particular paper.

23 Q Do you recall whether you were present at a  
24 bargaining session with the Employer on July 6th, 2022?

25 A As I sit right here, I don't know if it was a

1 bargaining session on that day.

2 Q If there was a bargaining session on July 6th,  
3 2022, would you have attended?

4 A Yes.

5 Q If there was a bargaining session on June 15th,  
6 2022, per Page 2 of Employer Exhibit 6, would you have  
7 attended?

8 A Yes.

9 Q All right. I am going to ask Ms. Yan to please  
10 pull up Petitioner Exhibit 38.

11 HEARING OFFICER MOLANO: Before I do, if you can  
12 just give me a minute to locate it.

13 Okay, Petitioner for the Union is have -- has it  
14 already in the record, so just let me...

15 This is a three-page document; is that correct, Ms.  
16 Wernick?

17 MS. WERNICK: That's correct.

18 HEARING OFFICER MOLANO: Go on, Ms. Yan, in terms  
19 of sharing your screen.

20 MS. WERNICK: And Ms. Yan, I would ask if you could  
21 please -- this is a three-page document, if you could  
22 please scroll through Pages 2 and 3?

23 Page 1 is the cover letter -- is the cover page of  
24 the exhibit.

25 Q BY MS. WERNICK: Mr. Castillo, have you seen this



1 document before?

2 A Yep.

3 Q What is this document?

4 A It is an Information Request.

5 Q And what -- what is the date on this Information  
6 Request?

7 A July 18th.

8 Q And were you copied on this Information Request?

9 A Yes.

10 Q And did the Employer respond to this Information  
11 Request?

12 A It is already showed, yes.

13 Q You will notice in Paragraph 1 here, it asks for --  
14 Paragraph 1, Subsection (p), Daily Wages Paid for  
15 Regular Hours Worked, Daily Wages Paid for Daily  
16 Overtime Worked, and Daily Wages Paid for Sick Time  
17 Worked.

18 Do you recall if the Employer responded to  
19 Paragraph 1, Subsection (p), (q), and (r)?

20 A I believe so.

21 Q And I apologize, Subsection (l) indicates current  
22 wage rates, (m) indicates daily regular straight time  
23 hours for -- do you recall whether the Employer  
24 responded to Subsection (l) and (m)?

25 A I recall their lawyer responding to partial. I

1 don't recall without seeing exactly what they responded  
2 to or not.

3 Q Do you recall whether the Employer provided current  
4 wage rates for Housekeeping employees?

5 A As I sit here today, they responded partially. I  
6 don't recall if they exactly did. They might have, but  
7 I don't recall if they had.

8 Q Mr. Castillo, does reviewing this exhibit refresh  
9 your recollection at all, as to whether you knew how  
10 much employees were making in 2022?

11 A As I seen today, the Company might have been able  
12 to send it. I do recall specifically how much they was  
13 making, no.

14 MS. YAN: I'm going to object to relevance. I  
15 don't understand -- Mr. Castillo has already said he  
16 doesn't recall himself what the -- what the wage rates  
17 are. We already have exhibits in evidence regarding  
18 people's wage rates. I don't really understand why we  
19 are just trying to get him to remember numbers.

20 MS. WERNICK: Because Mr. Castillo indicated that  
21 he didn't know what the -- that the Employer proposal --  
22 proposed wages is, more than what they were currently  
23 paying. I am establishing that it is incorrect, and  
24 that he had information in his possession about what  
25 they were currently making.

1           HEARING OFFICER MOLANO: I believe the record  
2 currently includes -- some of the responsive information  
3 the Employer provided to this. It is possible Mr.  
4 Castillo may have been able to testify to that. I don't  
5 recall, but I think it would take one more step to, at  
6 least put that in front of him, to the extent that that  
7 is critical to the case.

8           Ms. Wernick?

9           MS. WERNICK: The response that is currently on the  
10 record to this information request is part of the  
11 response, not the entire response, and it doesn't  
12 include the sections that I just referenced.

13          HEARING OFFICER MOLANO: Okay.

14          MS. YAN: I disagree with that characterization,  
15 but that's fine.

16          HEARING OFFICER MOLANO: The exhibit will speak for  
17 itself. I was just trying to highlight to see if there  
18 was something that might be helpful to move this along  
19 here, that --

20          MS. YAN: I just wanted to note it for the record.

21          HEARING OFFICER MOLANO: -- they were represented  
22 that he (inaudible) 3.

23          MS. WERNICK: Okay, I am going to move on.

24          I am going to ask Ms. Yan to please pull up  
25 Employer Exhibit 3.

1           It's got the wrong labeling on it.

2           It is -- the label on it says -- it is titled  
3   "Employer Exhibit 3, 2-15-22," however the cover page on  
4   it says, "Employer Exhibit 2."

5           HEARING OFFICER MOLANO: You intend to put this  
6   through --

7           MS. WERNICK: I do. I am fixing it and resending  
8   right now.

9           HEARING OFFICER MOLANO: Thank you.

10          MS. WERNICK: I am about to send it, but I just  
11   want to pull it open and make sure that it is updated.

12          HEARING OFFICER MOLANO: Yes.

13          MS. WERNICK: Okay, I just clicked "Send."

14   *[Cell phone ringing]*

15          HEARING OFFICER MOLANO: Mr. Castillo, is that your  
16   phone?

17          THE WITNESS: Yeah. It is connected to my iPad, so  
18   I just turned muted it.

19          HEARING OFFICER MOLANO: Thank you. I appreciate  
20   that.

21          MS. YAN: I have it up whenever Ms. Molinaro and  
22   Ms. Wernick is ready to go.

23          HEARING OFFICER MOLANO: Ms. Court Reporter, can  
24   you confirm whether we are on the record?

25          THE COURT REPORTER: We are.

1 HEARING OFFICER MOLANO: Thank you. I thought so,  
2 but I was just making sure.

3 Okay, I received an e-mail, Employer Exhibit 3,  
4 three pages, and the cover page says, "Employer Exhibit  
5 3, 2.15.2022, Wyatt E-mail and Scheduling MOA."

6 Ms. Wernick, is that what it is supposed to say?

7 **(Employer Exhibit 3, marked for identification.)**

8 MS. WERNICK: It is.

9 HEARING OFFICER MOLANO: Okay.

10 Please, go ahead.

11 Q BY MS. WERNICK: Mr. Castillo, Ms. Yan has pulled  
12 up Employer Exhibit 3 titled "2.15.2022, Wyatt E-mail  
13 and Scheduling MOA."

14 I am going to ask Ms. Yan to scroll down to Page 2,  
15 so you can see that.

16 Mr. Castillo, have you seen this e-mail before?

17 A Yeah.

18 Q And when did you -- are you a party to this e-mail?

19 A I received it, yes.

20 Q And what date did you receive the e-mail?

21 A It seems like it was -- the e-mail speaks for  
22 itself.

23 Q And would that have been February 15th, 2022?

24 A Yeah.

25 Q The e-mail references, in the third paragraph,

1 "Additionally, I have attached a copy of the Interim  
2 Scheduling MOU."

3 MS. WERNICK: Ms. Yan, I would ask that you please  
4 scroll down to Page 3.

5 Q BY MS. WERNICK: Mr. Castillo, have you seen this  
6 document before?

7 A Yeah.

8 Q Is this the Interim Scheduling MOU referenced on  
9 Page 2 of this Exhibit 3?

10 A That is what it seems like, yeah.

11 Q You testified earlier that the only Interim  
12 Agreement that the -- the Union agreed to was the  
13 Housekeeping proposal; is that correct?

14 A Yes.

15 Q Can you summarize what the contents of this  
16 Scheduling Memorandum of Agreement are?

17 A It is part of the same thing that the Company was  
18 having issue with the way that the schedule was in  
19 Housekeeping, as far as the word law and we came out  
20 with our proposal to fix that because the Company asked  
21 us to do so.

22 Q And did the Union agree to implement the Scheduling  
23 Memorandum of Agreement?

24 A Yes.

25 Q So, the Union agreed to at least two Interim

1 Agreements; correct?

2 A Was part of -- was part of the same thing.

3 Q The Housekeeping proposal that you previously  
4 viewed and testified in your prior testimony was, was a  
5 different document than the one you are looking at right  
6 now; right?

7 A It is a different document, yes.

8 Q So, it is a different agreement than the one in  
9 front of you, correct?

10 A Yes.

11 Q So this is an additional Interim Agreement that the  
12 Union agreed to; correct?

13 A Yes. Sure.

14 MS. WERNICK: I don't have any further questions.

15 HEARING OFFICER MOLANO: I just have a follow-up  
16 question, and it is for you, Ms. Wernick.

17 I just want to know -- you have not moved to enter  
18 into the record, Employer Exhibit 6 or 3. Is that your  
19 intent?

20 MS. WERNICK: It was. It is.

21 HEARING OFFICER MOLANO: Okay. Do you intend to  
22 put those in through a different witness?

23 MS. WERNICK: No, I -- I can move both of-- well,  
24 actually I -- I am going to need to put, I believe,  
25 Employer Exhibit --

1           HEARING OFFICER MOLANO: I am not trying to push  
2 you to it or encourage you to. I am just trying to  
3 understand, trying to make sure I am tracking the  
4 exhibits correctly, and to the extent that Mr. Castillo  
5 may almost be done, if you are trying to put it through  
6 him at least have that evidence and conversation at the  
7 appropriate time, which might be now.

8           MS. WERNICK: Sure. I -- the Employer moves to  
9 admit Employer Exhibit 3 into evidence.

10          HEARING OFFICER MOLANO: 3, the one we are looking  
11 at.

12          Ms. Yan, can you put it back up, please?

13          MS. WERNICK: It is a three-page document titled  
14 "Employer Exhibit 3, 2-15-2022, Wyatt E-mail and  
15 Scheduling MOA.

16          HEARING OFFICER MOLANO: Ms. Yan, do you have any  
17 objection?

18          MS. YAN: No objection.

19          HEARING OFFICER MOLANO: So, I want to note for the  
20 record that Page 2 refers to numerous attachments, by my  
21 count, just by looking at the semi-colons, I see one,  
22 two, three, four, five, six. Only one of those, based  
23 on the evidence elicited, appears to be Page 3.

24          MS. WERNICK: That's correct. There were  
25 additional attachments to that.



1 HEARING OFFICER MOLANO: For your purposes, you are  
2 offering -- Mr. Castillo, do you recall if Page 3...

3 Can you please scroll down to Page 3, Ms. Yan?

4 Was the attachment as you received it to this e-  
5 mail?

6 THE WITNESS: I don't recall that as I am sitting  
7 here today, if it was attached to the same e-mail.

8 HEARING OFFICER MOLANO: Ms. Wernick, I notice that  
9 Ms. Cereijo is also copied on this e-mail.

10 Do you have another avenue to get this in?

11 I see that the name that appears to track with the  
12 name, the attachment name that appears to track with  
13 Page 3 of this exhibit, Interim Scheduling MOA 1, is  
14 this one?

15 The evidence that we currently have, I don't think  
16 there is sufficient foundation to have it come through  
17 through Mr. Castillo. I think you can have it come  
18 through Ms. Cereijo, and to the extent you are trying to  
19 have this Page 3, Interim Scheduling Agreement come in  
20 for the fact of the matter, so this isn't signed.

21 I have some follow-up questions concerning these  
22 dates. I mean, it talks about July 2021 -- 26, 2021,  
23 September 30, 2021, the first part, date of execution,  
24 notwithstanding, it is the Parties' express intent that  
25 this Agreement be effective for the time period of July

1 26, 2021 through September 30, 2021, after which time  
2 this agreement shall expire, unless extended by  
3 agreement of both Parties.

4 The date of the e-mail, which this purports to be  
5 attached to, is past that by -- we are off five months,  
6 so --

7 MS. WERNICK: That's why I included the e-mail in  
8 context. Otherwise, I would have just put it in by  
9 itself and that's why I didn't include the rest of the  
10 exhibits here, just because they weren't relevant to  
11 this discussion, and they are voluminous, the rest of  
12 the attachments.

13 HEARING OFFICER MOLANO: That's fair.

14 MS. WERNICK: Page 2 of the e-mail above discusses  
15 that it is a log and needs to be incorporated into the  
16 new version.

17 HEARING OFFICER MOLANO: Let's try to just -- I  
18 have questions about -- like that hasn't been discussed  
19 or -- or -- he doesn't recall if this was specifically  
20 attached. If there is somebody who does recall if it is  
21 specifically attached, I guess questions about it -- are  
22 you -- are you offering the Page 3 for the fact of the  
23 matter that this was, in fact, this exact agreement was  
24 in place at the time of your e-mail.

25 MS. WERNICK: Yes.

1 HEARING OFFICER MOLANO: Do you have a signed copy,  
2 an executed copy and somebody that can authenticate  
3 that?

4 MS. WERNICK: It was never signed.

5 I can go back and ask Mr. Castillo some clarifying  
6 questions.

7 HEARING OFFICER MOLANO: Okay, do you want it to  
8 come through him, or do you want to do that through Ms.  
9 Cereiyo?

10 It's up to you. I'm just...

11 MS. WERNICK: I can do it through Ms. Cereiyo.

12 HEARING OFFICER MOLANO: It's your call. I am not  
13 trying to push you one way or the other.

14 MS. WERNICK: No, it will probably go a little bit  
15 faster if I do it through Ms. Cereiyo.

16 HEARING OFFICER MOLANO: Okay, so do you withdraw  
17 your request to -- to put Employer Exhibit 3 into the  
18 record at this time?

19 MS. WERNICK: I do.

20 HEARING OFFICER MOLANO: Okay. Did you have any  
21 further questions for Mr. Castillo?

22 MS. WERNICK: I don't.

23 HEARING OFFICER MOLANO: Okay, Ms. Yan, do you have  
24 any questions for Mr. Castillo on redirect?

25 MS. YAN: Just one.

1 HEARING OFFICER MOLANO: Okay.

2 REDIRECT EXAMINATION

3 Q BY MS. YAN: Angel, how many contracts did you  
4 negotiate in 2022?

5 Sorry, scratch that.

6 How many contracts were you working on negotiating  
7 in 2022?

8 A You are saying in the year 2022?

9 Q Just in 2022.

10 HEARING OFFICER MOLANO: Mr. Castillo, are you  
11 looking at anything, or are you just thinking?

12 THE WITNESS: No, I am thinking.

13 HEARING OFFICER MOLANO: Okay.

14 THE WITNESS: I can show you nothing to look at.

15 HEARING OFFICER MOLANO: That's fine. I am just  
16 asking.

17 THE WITNESS: That is -- about three contracts  
18 during that year, during that time.

19 Q BY MS. YAN: What are you referring to when you say  
20 that time?

21 A You asked me about 2022.

22 Q Okay, that time was 2022 that you --

23 A Yeah.

24 Q Okay, thank you.

25 MS. YAN: That's it.

1 HEARING OFFICER MOLANO: Any other questions?

2 MS. WERNICK: I have a follow-up question.

3 HEARING OFFICER MOLANO: Okay, go ahead with cross.

4 RECROSS EXAMINATION

5 Q BY MS. WERNICK: Mr. Castillo, of those three  
6 contracts that you negotiated in 2022, how many of those  
7 were initial contracts?

8 A I am not looking at anything; I am thinking.

9 All of them were first contracts.

10 Q And of those three first contracts that you  
11 negotiated in 2022, did any of them request interim wage  
12 increases, prior to entering into a full contract with  
13 the Union?

14 A I don't believe so, no.

15 MS. WERNICK: I don't have any further questions.

16 HEARING OFFICER MOLANO: I have one.

17 EXAMINATION BY THE COURT

18 HEARING OFFICER MOLANO: Mr. Castillo, of the three  
19 contracts that you were negotiating in 2022, was that  
20 three including the Eurostars contract, or in addition  
21 to the Eurostars contract?

22 THE WITNESS: Three including the Eurostar  
23 contract.

24 HEARING OFFICER MOLANO: Thank you.

25 Any follow-up questions, Ms. Wernick?

1 MS. WERNICK: No.

2 HEARING OFFICER MOLANO: Ms. Yan, any on redirect?

3 MS. YAN: No.

4 HEARING OFFICER MOLANO: I will ask one more time,  
5 is everybody sure?

6 Ms. Yan, you sure?

7 MS. YAN: Yes.

8 HEARING OFFICER MOLANO: Ms. Wernick, you sure?

9 MS. WERNICK: Yes.

10 HEARING OFFICER MOLANO: Okay, thank you, Mr.  
11 Castillo, you are free to go.

12 Thank you for your time.

13 THE WITNESS: Bye.

14 HEARING OFFICER MOLANO: For the record, Mr.  
15 Castillo has left the hearing.

16 *[Witness excused]*

17 HEARING OFFICER MOLANO: Okay, Ms. Yan, since you  
18 called Mr. Castillo, do you have any additional  
19 witnesses that you would like to call?

20 MS. YAN: No.

21 HEARING OFFICER MOLANO: Okay.

22 Ms. Wernick, do you have any -- would you like to  
23 put on any rebuttal?

24 MS. WERNICK: Yes. The Employer would like to call  
25 Patricia Cereiyo.

1 HEARING OFFICER MOLANO: Okay. Are you prepared to  
2 proceed at this time?

3 MS. WERNICK: Yes.

4 HEARING OFFICER MOLANO: Okay. I see Ms. Cereiyo  
5 sitting next to you. I will just give her a moment to  
6 go in the other room to get set up.

7 Ms. Wernick, she has the link to get in, right?

8 MS. WERNICK: She does.

9 HEARING OFFICER MOLANO: Okay, thank you.

10 MS. YAN: I am going to excuse myself for two  
11 seconds to get some water. I will be right back. I'm  
12 sorry.

13 HEARING OFFICER MOLANO: Hello, Ms. Cereiyo, can  
14 you -- can you see me?

15 THE WITNESS: Yes.

16 HEARING OFFICER MOLANO: Thank you.

17 Okay. I would just note for the record that Ms.  
18 Yan is back.

19 (Whereupon,

20 **PATRICIA CEREIJO**

21 having been previously sworn/affirmed, was recalled as a  
22 witness herein, and was examined and testified, via  
23 video conference, as follows:)

24 HEARING OFFICER MOLANO: Ms. Cereiyo, you have been  
25 called as an Employer witness on rebuttal. You have been

1 previously sworn under oath.

2 Since you left the room and came back in, can you  
3 just scan the room again, please, with the video?

4 THE WITNESS: Yes.

5 HEARING OFFICER MOLANO: Thank you very much.

6 I didn't see anyone in there with you. Is there  
7 anyone there?

8 THE WITNESS: No.

9 HEARING OFFICER MOLANO: Thank you.

10 Please, go ahead, Ms. Wernick.

11 DIRECT EXAMINATION

12 Q BY MS. WERNICK: *[Inaudible - muted]*

13 HEARING OFFICER MOLANO: I cannot hear you if you  
14 are speaking.

15 MS. WERNICK: Bear with me just a moment. I am  
16 going to log in, just to make it like a little bit  
17 easier so that I can share a screen with Ms. Cereiyo,  
18 when we get there.

19 HEARING OFFICER MOLANO: Okay. And just -- for the  
20 purposes of the record, you mean sign in with like an  
21 additional log-in, so that you have the capability to  
22 share your screen?

23 MS. WERNICK: I do. We are talking over a Polycom  
24 device in our conference room, and in order for me to be  
25 able to share documents from my computer, I have to log



1 in separately on my computer.

2 HEARING OFFICER MOLANO: Noted. Thank you.

3 MS. WERNICK: Thank you.

4 Q BY MS. WERNICK: Ms. Cereiyo, who at Eurostars is  
5 responsible for -- who at Eurostars Golden Mile is  
6 responsible for determining guest occupancy?

7 A What do you mean determine the occupancy? To check  
8 -- which one is the occupancy that we have?

9 Q Yes.

10 A Well -- unable to see it. Rosa Calle (inaudible).

11 Q And where do you get -- and how do you project  
12 occupancy numbers?

13 A The numbers together with the Revenue Department to  
14 see exactly different factors, which one was occupancy  
15 that we are having right now, and different areas and  
16 things that happen in the city.

17 Q And do you check occupancy prior to scheduling  
18 employees?

19 A Yes.

20 HEARING OFFICER MOLANO: I am sorry to jump in  
21 here. I just want to ask you, are you -- I am wondering  
22 if you mean to be interchangeably or in a separate room  
23 occupancy. This is currently who are in the rooms,  
24 versus the projected room occupancies?

25 To the extent you are referring to one or the

1 other, if you can please say so.

2 MS. WERNICK: Sure. I am referring to projected  
3 room occupancy.

4 HEARING OFFICER MOLANO: Okay.

5 Can you say who at the Employer's is responsible  
6 for determining room occupancy, do you mean the  
7 projected room occupancy?

8 MS. WERNICK: I do.

9 HEARING OFFICER MOLANO: Ms. Cereijo, you had --  
10 your response to that question was that you and Rosa  
11 Calle can see it. Is that still correct, in terms of  
12 the projected room occupancy?

13 THE WITNESS: No, this is the actually (phonetic)  
14 numbers that the hotel has at the moment that you are  
15 checking in to predict which ones will be the numbers or  
16 which ones is the numbers -- what will happen it would  
17 be the revenue department and myself.

18 HEARING OFFICER MOLANO: Thank you. Please go  
19 ahead, Ms. Wernick.

20 Q BY MS. WERNICK: And which occupancy numbers are  
21 included on the housekeeping schedules?

22 A The rooms that are actually occupied for that day,  
23 including the stay-overs and check-outs.

24 Q And when are those schedules created, for any given  
25 week?

1 A The reservations between Thursday and Friday of the  
2 previous week, it will be posted.

3 Q So the work schedules that are created have the  
4 occupancy from the middle of the prior week on them?

5 A So on Thursday or Friday, we will be creating a  
6 schedule for the following Sunday to the following  
7 Saturday.

8 Q And do those occupancy numbers on the schedules  
9 create a change?

10 A Yes.

11 Q Who tracks the changed occupancy numbers?

12 A So, Rosa Calle, for scheduling for housekeeping and  
13 myself for the rest of the staff including housekeeping  
14 and everything else.

15 Q And do you store historical occupancy information?

16 A Yes.

17 Q How and where?

18 A So, the hotel has occupancy system and in the  
19 system you can see all of the previous reservations or  
20 the previous occupancies, and the future ones.

21 MS. WERNICK: I would like to show Ms. Cereiyo  
22 what's been marked as Employer Exhibit 2. It is a two-  
23 page document entitled Employer Exhibit 2, September  
24 2021 to January 2023, Occupancy Rates."

25 **(Employer Exhibit 2, marked for identification.)**

1 HEARING OFFICER MOLANO: Ms. Wernick, are you able  
2 to look at that?

3 MS. WERNICK: I was.

4 HEARING OFFICER MOLANO: I'm sorry -- Ms. Yan, were  
5 you able to look at that?

6 MS. YAN: I was.

7 HEARING OFFICER MOLANO: Okay, go on, Ms. Wernick.

8 Ms. Wernick, I see another account with your name  
9 in the waiting room. So I'm going to admit them. I  
10 believe this is the account you said you had to get to  
11 be able to share your screen; is that right?

12 MS. WERNICK: That's correct.

13 HEARING OFFICER MOLANO: Okay.

14 MS. WERNICK: Does everyone see Employer Exhibit 2,  
15 a two-page document up on the shared screen?

16 MS. YAN: Yes.

17 HEARING OFFICER MOLANO: I do.

18 Q BY MS. WERNICK: Ms. Cereiyo, I am going to scroll  
19 through this document. I am on Page 1, the cover page,  
20 and have moved down to Page 2.

21 Ms. Cereiyo, have you seen this document before?

22 A Yes.

23 Q What is this document?

24 A So it is the occupancy that we were having in the  
25 hotel from 2021 September to January of 2023.

1 Q And who put this document together?

2 A Me.

3 Q And how did you put this document together?

4 A So, (inaudible) system of the hotel, sending those  
5 numbers to the P&L of the hotel, and I was filling out  
6 from there.

7 Q Did you say the "P&L of the hotel?"

8 A Yes.

9 Q What -- what is the P&L?

10 A So, the P&L is the final numbers of the hotel.  
11 That includes incoming and all of the expenses of the  
12 hotel.

13 Q So are these occupancy numbers contained on Page 2  
14 of Employer Exhibit 2, the final occupancy percentages  
15 in each month?

16 A Yes.

17 HEARING OFFICER MOLANO: Ms. Cereiyo, sorry to jump  
18 in real quick, but what does "P&L" stand for, if you  
19 know?

20 THE WITNESS: I don't remember.

21 HEARING OFFICER MOLANO: That's okay. If you don't  
22 -- please go ahead, Ms. Wernick.

23 Q BY MS. WERNICK: When you say "P&L," is that  
24 letters "P" as in Paul, "N" as in Nancy, and "L" as in  
25 Larry, or "P-ampersand-L?"

1 A I think you can use both. I think it is "P-and-L,"  
2 and I think that also you can write it down as "P-&-L."  
3 I think you can use both.

4 Q Okay. Do you ever use that phrase to mean "Profit  
5 and Loss?"

6 A Sorry?

7 Q Do you use "P&L" to mean "Profit and Loss"?

8 A Yeah.

9 Q Thank you.

10 So when you refer to "P&L," you are referring to  
11 your Profit and Loss Statements?

12 A Yes.

13 Q And Ms. Cereiyo, is there anything exceptional --  
14 or what is exceptional about the occupancy rates in  
15 2022, in this exhibit?

16 A So, at the beginning of the year was slow, as the  
17 same thing as was happening in 2021, and then occupancy  
18 was starting to increase from May -- and from June  
19 through December.

20 Q And were the -- the rates in June through December  
21 of 2022, higher than in 2021?

22 A Yes.

23 Q Do you recall if you had projected that the rates  
24 from June through December 2022 would be this high?

25 A No.

1 HEARING OFFICER MOLANO: No, you don't recall, or  
2 you did not project that?

3 THE WITNESS: No, when we were preparing the budget  
4 we didn't expect these numbers, comparing with the  
5 numbers we were having in 2021.

6 HEARING OFFICER MOLANO: Understood. Thank you.

7 MS. WERNICK: I am going to pause sharing. I will  
8 take that off the screen.

9 Okay, let me log in again. Sorry. I am just  
10 working on logistics. I just keep moving through  
11 exhibits.

12 Q BY M. WERNICK: Ms. Cereijo, did you -- you  
13 testified earlier that you were the Employer's  
14 Representative during bargaining with Unite Here; is  
15 that correct?

16 A Yes.

17 Q Was that "yes?"

18 A Yes.

19 MS. WERNICK: I would like to pull up Employer  
20 Exhibit 3.

21 HEARING OFFICER MOLANO: All right, Ms. Yan, do you  
22 have that open?

23 MS. YAN: I do. Just to make sure, we are not  
24 moving Employer Exhibit 2, right?

25 HEARING OFFICER MOLANO: The Employer has not made

1 a motion to admit Employer Exhibit 2. Was that your  
2 intent to do so?

3 MS. WERNICK: It is, and I can move it now, if that  
4 is easier.

5 HEARING OFFICER MOLANO: It is up to you.

6 MS. WERNICK: The Employer moves to enter Employer  
7 Exhibit 2 into evidence.

8 HEARING OFFICER MOLANO: Ms. Yan, any objection?

9 MS. YAN: May I voir dire just quickly?

10 HEARING OFFICER MOLANO: Yes.

11 MS. YAN: I have a few questions.

12 Thank you.

13 VOIR DIRE

14 Q BY MS. YAN: All right, so, Patricia, you testified  
15 that the numbers on Employer Exhibit 2 were actual  
16 occupancy rates for each of these months reflected. Is  
17 that right?

18 A Yes.

19 Q So, when you were reviewing schedules for the  
20 Housekeeping Department in August 2022, for example, you  
21 wouldn't have known at that time that September 2022  
22 would have an occupancy rate of 61.37%?

23 A That specific occupancy, no.

24 Q All right, so -- so these don't reflect the numbers  
25 that you or Rosa Calle would have been looking at when



1 scheduling Housekeeping employees?

2 HEARING OFFICER MOLANO: Is this voir dire, or is  
3 this meant to like authenticate the content of the  
4 exhibit here?

5 You will have an opportunity to cross, right? I  
6 don't think that your questions pertain to clarification  
7 or understanding with where this -- this information  
8 came from, and the voir dire should be limited to that.

9 MS. YAN: Sure. I can move on.

10 HEARING OFFICER MOLANO: Sorry.

11 Q BY MS. YAN: Okay, so at the end of this document,  
12 there is some text that is cut off. Does this -- does  
13 the last column say "December?"

14 A Yes.

15 Q All right, and did -- did you compile this  
16 document?

17 A Yes.

18 Q All right. Do you recall what the number below the  
19 cut off December states?

20 A It is 75.48.

21 Q Okay, and that would be a percentage?

22 A Yes.

23 Q And so 75.48 percent.

24 A Yes.

25 MS. YAN: All right, I think that's all I have.

1 I am not going to object to moving the exhibit, but  
2 I will note that I -- I don't think, in terms of October  
3 2022 through 2023, that these numbers are necessarily  
4 relevant to the inquiry of the -- the occupancy rates  
5 that were being considered in -- in considering hiring  
6 and scheduling.

7 HEARING OFFICER MOLANO: So, are you making an  
8 objection, or are you not making an objection?

9 MS. YAN: I guess -- I think the record is clear  
10 about what these numbers mean, so no objection to these  
11 -- these coming in.

12 HEARING OFFICER MOLANO: Okay, Employer Exhibit 2  
13 is received.

14 **(Employer Exhibit 2, received into evidence.)**

15 HEARING OFFICER MOLANO: Give me a moment to make a  
16 note, please.

17 *[Brief pause]*

18 HEARING OFFICER MOLANO: Go ahead, Ms. Wernick.

19 MS. WERNICK: Thank you.

20 CONTINUING DIRECT EXAMINATION

21 MS. WERNICK: The Employer is going to pull up  
22 Employer Exhibit 3 again.

23 HEARING OFFICER MOLANO: Ms. Yan, are you able to  
24 locate Employer Exhibit 3?

25 MS. YAN: I was.

1 HEARING OFFICER MOLANO: Please go ahead, Ms.  
2 Wernick.

3 Q BY MS. WERNICK: Employer Exhibit 3 is a 3-page  
4 document title, "Employer Exhibit 3, 2-15-22, Wyatt  
5 Email and Scheduling MOA."

6 Ms. Cereiyo, I am going to scroll through this 3-  
7 page document. I am scrolling through the cover page  
8 that just indicates for titling purposes what it is, and  
9 now, on Page 2, which is an e-mail, and I am going to  
10 scroll down through Page 3.

11 Ms. Cereiyo, were you able to view all three pages  
12 of Employer Exhibit 3?

13 A Yes.

14 Q Have you seen this document before?

15 A Yes.

16 Q And how are you familiar with Employer Exhibit 3?

17 A It was on an e-mail that was on February 15, 2022,  
18 and after some bargaining session that we were having  
19 with the Union, and I was cc:'d on that e-mail.

20 Q Do you recall receiving this e-mail on February 15,  
21 2022?

22 A Yes.

23 Q I am going to direct your attention to the third  
24 paragraph down where it says, "Additionally, I have  
25 attached a copy of the Interim Scheduling MOU,

1 previously negotiated by the parties, and have  
2 incorporated its terms in the Hotel's Work Schedule  
3 Proposal. We will ultimately need to update the MOU to  
4 reflect the Hotel's ongoing scheduling practice under  
5 its terms."

6 Have I read that paragraph correctly?

7 A Yes.

8 Q I am going to scroll down to Page 3.

9 Page 3 is titled, "Scheduling Memorandum of  
10 Agreement."

11 Is this the Interim Scheduling MOU referenced in  
12 the e-mail on Page 2?

13 A Yes.

14 Q Can you explain this Memorandum of Agreement?

15 A Yeah. It was basically regarding how we will be  
16 working on the schedule with the Housekeepers. This  
17 defined how we will work the on-calls on the week, and  
18 how many depends on occupancy and the seniority of each  
19 employee.

20 Q And do you know -- I am going to scroll down to the  
21 bottom of Page 3, and Page 3 is unsigned; is that  
22 correct?

23 A Yes.

24 Q Do you know if the parties ever formally signed the  
25 Scheduling Memorandum of Agreement?

1 A Not as far as I know.

2 Q Did the Hotel abide by the terms of the Scheduling  
3 Memorandum of Agreement?

4 A Yes.

5 Q And do you know when the Hotel implemented the --  
6 the terms of this agreement?

7 A I don't remember the specific day, I know that it  
8 was sometime in July 2021.

9 Q Ms. Cereijo, I am going to direct your attention to  
10 Paragraph 2, and ask you to read it and see if that  
11 refreshes your recollection as to the implementation  
12 date of this Memorandum of Agreement?

13 A Yeah, July 26, 2021.

14 Q I am going to direct your attention to Paragraph 1,  
15 which indicates that this agreement will be effective  
16 for the period of July 26, 2021 through September 30th,  
17 2021.

18 Do you know why -- why that time period was  
19 significant?

20 A It was mainly because of the difficulties -- I  
21 think we were hiring for (inaudible) and stay-overs due  
22 to COVID-19.

23 Q And do you know why the date September 30, 2021,  
24 would be relevant to the number of stay-overs the hotel  
25 have -- had?

1 A The same thing that this was supposed the time that  
2 we were thinking that the City of Chicago would remove  
3 the restrictions.

4 Q And what restrictions were those?

5 A That stay-overs could be only done through the  
6 request of the client. You cannot clean it if the  
7 client didn't request it.

8 Q Did the City's restrictions extend past September  
9 30th, 2021?

10 A I think so.

11 Q And did the Hotel continue to abide by the terms of  
12 the Scheduling Memorandum of Agreement, past September  
13 30th, 2021?

14 A Yes.

15 Q Does the Hotel currently schedule in accordance  
16 with the Scheduling Memorandum of Agreement?

17 A Yes.

18 Q And do you recall whether the Union agreed to the  
19 Hotel's implement -- implementation of the Scheduling  
20 Memorandum of Agreement?

21 A Yes, they agreed.

22 Q And did they agree to the Scheduling Memorandum of  
23 Agreement extending past September 30th, 2021?

24 A Yes.

25 MS. WERNICK: The Employer would like to move

1 Employer Exhibit 3 into evidence.

2 MS. YAN: No objections.

3 MS. WERNICK: It is going to make it a little  
4 clunky but I am going to stop my share screen here.

5 HEARING OFFICER MOLANO: Just a moment. I haven't  
6 received it.

7 That's okay, I have my own copy. I am just  
8 reviewing to see if I have any follow-up questions.

9 MS. WERNICK: Would you like me to put it back up?

10 HEARING OFFICER MOLANO: Let me see if I have any  
11 other questions. If so, then I will say, yes, but just  
12 a moment to see.

13 *[Brief pause]*

14 HEARING OFFICER MOLANO: There are various points  
15 made in the e-mail. My understanding is that the  
16 Employer is offering Employer Exhibit 3 for the purpose  
17 of showing that there was a second Interim Agreement  
18 reached prior to the execution of agreement of all first  
19 contracts, and that Page 3 of this exhibit constitutes  
20 that specific agreement.

21 Is the Employer offering this for any other  
22 purpose?

23 MS. WERNICK: Yes, that the Hotel -- I -- I think  
24 you have covered part of it, too, that the Hotel did  
25 schedule in accordance with the Memorandum, as one of

1 the objections, I think specifically Objection 5,  
2 specifically relates to benefits denied Union  
3 supporters, as evidence of the agreement and  
4 restrictions of how the Employer would be able to  
5 schedule.

6 HEARING OFFICER MOLANO: Okay, but the content --  
7 the content of Page 3, is there any other purpose for  
8 which the Employer is seeking to enter this into the  
9 record?

10 MS. WERNICK: No, Page 2 is just included to -- as  
11 further evidence that while this Memorandum of Agreement  
12 says it stopped September 30th, it didn't.

13 HEARING OFFICER MOLANO: Okay, so just to be clear,  
14 you are not offering it to establish Paragraph 2. I  
15 mean, to read it -- actually, can you share your screen  
16 again.

17 MS. WERNICK: I sure can. I have got it set up,  
18 just in case.

19 HEARING OFFICER MOLANO: Oh, I can --

20 MS. YAN: If it is faster, I can do it.

21 HEARING OFFICER MOLANO: I got it. I got it. I'm  
22 sorry, I thought you were still set up. I didn't know  
23 that --

24 MS. WERNICK: It kicks me out when I click "Stop  
25 Sharing;" pausing doesn't work.



1 HEARING OFFICER MOLANO: I'm sorry. That's  
2 unfortunate.

3 Can -- can everybody see my screen?

4 MS. YAN: Yes.

5 HEARING OFFICER MOLANO: I have Employer Exhibit 3,  
6 Page 2, the e-mail from Christina Wernick to Steve  
7 Wyatt, Angel Castillo, and cc:'d to Patricia Cereijo,  
8 Jeremy Edelson.

9 You guys can see this?

10 MS. WERNICK: Yes.

11 THE WITNESS: Yes.

12 HEARING OFFICER MOLANO: Okay, so Paragraph 2  
13 relates to -- it says, "As I mentioned in my e-mail  
14 yesterday, we did update Paragraph 3 of the COVID-19  
15 Shutdown-Related Vacation Agreement to reflect that all  
16 employees have now returned to work or have been  
17 recalled and failed to return to work."

18 So, do I understand, you are not offering this  
19 exhibit for purposes of the fact of the matter in that  
20 paragraph; is that correct?

21 MS. WERNICK: That's correct.

22 HEARING OFFICER MOLANO: Okay. Employer Exhibit 3  
23 is received for the purpose specifically offered by the  
24 Employer, which does not include anything beyond  
25 (inaudible - voice trails off).



1 still on the record, correct?

2 Thank you.

3 Okay, please go ahead, Ms. Wernick.

4 Q BY MS. WERNICK: Okay, I am going to back up a bit,  
5 Patricia, and ask you about the hotel generally.

6 What is the chain of command at Golden Mile  
7 Eurostars?

8 A So, it would be me overseeing everybody, then every  
9 single manager from each single department. It would be  
10 (inaudible), Office Manager, Reservation Manager,  
11 Housekeeping Manager, and then under them it would be  
12 Supervisors; the Supervisor of Housekeeping Supervisor,  
13 and then, under them it would be (inaudible)  
14 Housekeepers.

15 Q Okay, so can you summarize again what the chain of  
16 command then would be just for the Housekeeping  
17 Department?

18 A So, it would be me, then it would be Housekeeping  
19 Manager, Supervisor, and Housekeepers and Houseman's.

20 Q And who reports directly to you?

21 In 2022, who reported directly to you?

22 A Housekeeping Manager, Rosa Calle.

23 Q Do the Housekeeping Supervisors report directly to  
24 you?

25 A If Rosa Calle is not working that day, then anyways

1 they will (inaudible) they report to Rosa, and Rosa  
2 report to me. But if Rosa is not that day available,  
3 they will come to me with something that requires  
4 (inaudible) at that moment.

5 Q And if one of the Housekeeping Supervisors brings  
6 something to you directly because Rosa isn't in, is Rosa  
7 then brought up to speed?

8 A Yes.

9 Q Are the Housekeeping Supervisors brought up to  
10 speed if they are not present when Rosa is there?

11 A Normally, no.

12 Q Who is able to issue discipline in the Housekeeping  
13 Department?

14 A So everything will be communicated with HR, and HR  
15 will run an investigation, and either Supervisors or  
16 Housekeeping Managers come bring any kind of situation  
17 that they are having with any Housekeeper or Houseman.

18 Q Is Rosa Calle involved in all disciplines of  
19 Housekeeping employees?

20 A Yes.

21 Q Is Liliana Chaparro involved in all disciplines of  
22 Housekeeping employees?

23 A No.

24 Q Which disciplines would Liliana be involved in?

25 A The ones that she was reporting to HR.

1 Q Is Maria Solis involved in all Housekeeping  
2 employee disciplines?

3 A No.

4 Q Which -- which ones would she be involved in?

5 A In the ones that she was providing to HR.

6 Q Do the Housekeeping employees wear uniforms?

7 A Yes.

8 Q Have any Housekeeping employees asked to not wear  
9 the standard uniform?

10 A No.

11 Q What is the uniform?

12 A So it is blue -- navy blue shirt with like wide  
13 neck and navy blue pants.

14 Q What uniform does Maria Macias wear?

15 A Houseman uniform; a black one.

16 Q And why is that?

17 A She was pregnant by that time.

18 Q So, in 2022, what uniform did Maria Macias wear?

19 A The black shirt with black pants.

20 Q And that is because she was pregnant?

21 A Yes.

22 Q Was she unable to wear the regular Housekeeping  
23 uniform?

24 A Unfortunately, yes.

25 Q Who oversees staffing at Golden Mile?

1 A What do you mean?

2 Q Who decides when you need more employees at Golden  
3 Mile?

4 A Me.

5 Q And does anyone else give input into that process?

6 A Yes, of course. Housekeeping Manager is bringing  
7 to my attention or any other manager in the Hotel,  
8 different departments that we are speaking about.

9 Q And do you recall in 2022 whether anyone in  
10 Housekeeping indicated that you needed to staff more  
11 Housekeepers or Housemen?

12 A Yes.

13 Q Do you recall who or when?

14 A Rosa Calle and it happened in several locations.

15 Q What was your turnover like in 2022 in the  
16 Housekeeping Department?

17 A The what?

18 Q Turnover, employees in and employees out.

19 A We were having employees that were leaving and  
20 employees that we were hiring and they left, so we  
21 (inaudible) again, so we were hiring several in-out.

22 MS. WERNICK: May I bother Ms. Yan to pull up  
23 Employer Exhibit 5? Otherwise, I would be happy to log  
24 in and do so, but it is just a little clunky.

25 MS. YAN: I am happy to do it.

1 HEARING OFFICER MOLANO: I have a quick follow up  
2 question for clarification. It seems Ms. Cereiyo is  
3 following Ms. Wernick's leading in terms of the  
4 terminology, in in-out. I just want to clarify, when  
5 you say in-out, Ms. Cereiyo, do you mean employees hired  
6 and either quit, or otherwise their employment  
7 relationship ended?

8 THE WITNESS: Yes.

9 MS. YAN: Okay.

10 THE WITNESS: I mean hire in some people that was -  
11 -- who had been terminated or resigned, yeah.

12 HEARING OFFICER MOLANO: Ms. Wernick, you said  
13 Employer Exhibit 5, was it?

14 MS. WERNICK: Yes, please. It is a two-page  
15 document.

16 HEARING OFFICER MOLANO: Ms. Yan, were you able to  
17 pull up Employer Exhibit 5?

18 MS. YAN: I was.

19 HEARING OFFICER MOLANO: Okay, I am going to go  
20 ahead and share my screen.

21 **(Employer Exhibit 5, marked for identification.)**

22 HEARING OFFICER MOLANO: Can everyone see it?

23 MS. WERNICK: Yes.

24 THE WITNESS: Yes.

25 HEARING OFFICER MOLANO: Go ahead, Ms. Wernick.

1 Just let me know what you want me to do and I'd be happy  
2 to follow your instructions.

3 MS. WERNICK: Okay, Employer Exhibit 5 is a two-  
4 page document. The first page is a cover page, and it  
5 says, "Employer Exhibit 5, January through September,  
6 2022, Housekeeping Turnover."

7 Ms. Molano, could you please scroll to Page 2?

8 HEARING OFFICER MOLANO: I am going to zoom it in.  
9 I think it would be helpful.

10 MS. WERNICK: I think that would probably be  
11 helpful.

12 Page 2 contains a chart. If you could please zoom  
13 in on the chart.

14 Q BY MS. WERNICK: Ms. Cereiyo, are you able to read  
15 the chart on Page 2?

16 A Yes.

17 Q Have you seen this chart before?

18 A Yes.

19 Q What is this chart?

20 A Well, this is a chart that I prepared. It is all  
21 employees that were hired or terminated from January to  
22 September 2022.

23 Q And how did you compile this chart?

24 A I was using our payroll system, which is Paychex.

25 Q And what information were you using from that



1 payroll system to compile this chart?

2 A All the hire-ins that we were bring in during that  
3 period, and all of the employees that terminate their  
4 contract with us during that period.

5 Q And to the best of your knowledge, does this  
6 contain all of the employees hired or whose employment  
7 terminated between January and September 2022 in the  
8 Housekeeping Department?

9 A Yes.

10 MS. WERNICK: The Employer moves Employer Exhibit 5  
11 into evidence.

12 HEARING OFFICER MOLANO: I have just a quick  
13 question. I don't think it was asked, but maybe I  
14 missed it.

15 Ms. Cereiyo, there's a couple names under the  
16 column titled "Term-Date."

17 THE WITNESS: Uh-huh.

18 HEARING OFFICER MOLANO: There is some "N/A's."  
19 What do those signify?

20 THE WITNESS: It means that they are still working,  
21 so it -- but they were hired in 2022.

22 HEARING OFFICER MOLANO: Thank you.

23 Ms. Yan, any objections?

24 MS. YAN: Yes. I would note that there's a  
25 termination date on here that is from April 2023, and

1     there's a hire of 2014 for Doris Roldan.

2             I don't know if that --

3             HEARING OFFICER MOLANO: I am going to highlight  
4     those.

5             MS. YAN: Yes. Now, to the extent this is supposed  
6     to show hires and terminations, separations, during the  
7     timeframe. If we are going all the way out to April  
8     2023, I would ask that we include hires through that  
9     last termination date on this chart.

10            I -- I -- I took a chance to look through this  
11     exhibit during one of the breaks when we were off the  
12     record, and it does look like all of these hire and  
13     termination dates are in Petitioner Exhibit 4 and 51.  
14     So -- so it does feel a little bit duplicative, but the  
15     chart has certainly been created, and I would just ask  
16     if -- ask that it be complete if it is going to go  
17     through April 12th, 2023.

18            HEARING OFFICER MOLANO: Ms. Wernick?

19     Q     BY MS. WERNICK: Ms. Cereiyo, is Doris Roldan  
20     included in here inadvertently on this chart?

21     A     No, I didn't realize that it was 2023. I mean, it  
22     is not on purpose.

23            MS. YAN: Yeah, I think, in general, I just find  
24     this document somewhat duplicative of existing exhibits  
25     in the record. I also don't agree that this necessarily

1 reflects when they actually stopped working. I think  
2 the schedules are a better reflection of that, and those  
3 are already in the record, as well.

4 HEARING OFFICER MOLANO: Are you saying that any of  
5 this information is inaccurate?

6 MS. YAN: Yeah, I think the hire -- yeah, I think  
7 the dates are accurate. I am not sure -- I haven't had  
8 a chance to review every single category it documents,  
9 particularly in the full-time/part-time ones.

10 So, I can take a moment to do that.

11 But, to the extent --

12 HEARING OFFICER MOLANO: I -- I am not asking you  
13 to do it, but since you said you had already checked it,  
14 I was wondering if you identified any errors?

15 MS. YAN: The main one that I saw -- I wasn't clear  
16 why Doris was included, and let's see...

17 *[Brief pause]*

18 MS. YAN: I think everything else looks right.

19 HEARING OFFICER MOLANO: So your objection pertains  
20 to the inclusion of Doris Roldan -- I am just going to  
21 scroll to the first page.

22 To the extent it falls outside the period noted on  
23 the --

24 MS. YAN: Yes. So if we are going to keep her in,  
25 I would ask that the exhibit be expanded to April 2023.

1 HEARING OFFICER MOLANO: Ms. Wernick, any chance  
2 you want to delete her and resubmit it, or expand it?

3 MS. WERNICK: Yes. I think the preference would be  
4 to delete her and resubmit -- resubmit an updated  
5 Exhibit 2 -- I'm sorry, Employer Exhibit 5.

6 HEARING OFFICER MOLANO: Would that resolve your  
7 objection?

8 MS. YAN: Yes, it should.

9 HEARING OFFICER MOLANO: Okay.

10 MS. WERNICK: In the interest of time, would you  
11 like me to do that now, or move forward, take a short  
12 break, and then move after the break?

13 HEARING OFFICER MOLANO: Since we are approaching  
14 what I anticipate will be -- I would suggest we just  
15 take care of it now so that we don't lose track of it.

16 We can take a five-minute break, if that will help,  
17 in terms of just taking care of that real quick.

18 MS. WERNICK: That would help.

19 HEARING OFFICER MOLANO: Okay. Okay, Ms. Cereiyo,  
20 we are going to take a five-minute break. Please do not  
21 discuss your testimony during that time.

22 THE WITNESS: I won't.

23 HEARING OFFICER MOLANO: Okay, off the record.

24 *[Off the record]*

25 HEARING OFFICER MOLANO: Thank you.

1 Welcome back, everyone.

2 In off the record -- while off the record, Ms.

3 Wernick circulated a Employer's Exhibit 5.

4 Ms. Wernick, do you want to go ahead and describe

5 -- we will go ahead and show --

6 MS. WERNICK: Yes. The Employer seeks to move

7 updated Employer Exhibit 5 into evidence.

8 The substantive difference between updated Employer

9 Exhibit 5 and the version previously reviewed by Ms.

10 Cereijo is that the updated version removed the

11 inadvertent inclusion of Doris Roldan, who was not --

12 who was neither hired nor stopped working for Eurostars

13 in 2022.

14 HEARING OFFICER MOLANO: Ms. Yan, any objection?

15 MS. YAN: No objection.

16 HEARING OFFICER MOLANO: Okay, just since Ms.

17 Cereijo testified, I will share my screen to show her

18 this new version, so you can confirm that this is the

19 same information.

20 Are the parties able to see my screen with Employer

21 Exhibit 5?

22 MS. YAN: Yes.

23 MS. WERNICK: Yes.

24 HEARING OFFICER MOLANO: It is a two-page document.

25 I will scroll to the second page so Ms. Cereijo can see

1 it.

2 Ms. Wernick, is this the revised version that you  
3 had just circulated?

4 MS. WERNICK: No. Of course not.

5 HEARING OFFICER MOLANO: Okay, just a moment.  
6 Sorry about that folks.

7 Let's try that one more time.

8 Can everyone see my screen?

9 THE WITNESS: Yes.

10 MS. YAN: Yes.

11 HEARING OFFICER MOLANO: Okay, it is a two-page  
12 document, Employer Exhibit 5. I am scrolling to Page 2.

13 Ms. Wernick, is this the document you recently  
14 circulated?

15 MS. WERNICK: It is.

16 HEARING OFFICER MOLANO: Okay. Ms. Cereijo, you  
17 previously testified to having collected the information  
18 comprised in the chart. Can you just take a look at  
19 this exhibit and confirm whether this is -- whether  
20 that's the information, but for the information for Ms.  
21 Doris Roldan?

22 THE WITNESS: Yes.

23 HEARING OFFICER MOLANO: Yes, you reviewed it, or  
24 yes, this is the information that you compiled?

25 THE WITNESS: Yes, this is the information that I

1 compiled with our (inaudible).

2 HEARING OFFICER MOLANO: What did you say?

3 THE WITNESS: Yeah, without.

4 HEARING OFFICER MOLANO: Okay. Okay, Ms. Yan, any  
5 objection?

6 MS. YAN: No objection.

7 HEARING OFFICER MOLANO: Okay, Employer Exhibit 5  
8 is received.

9 **(Employer Exhibit 5, received into evidence.)**

10 HEARING OFFICER MOLANO: I just want to make a  
11 note, please.

12 Just for purposes of the record, I want to note the  
13 -- and for the Court Reporter, since both versions were  
14 sent, the one that was actually received into evidence  
15 is the one that does not include the name Doris Roldan,  
16 R-o-l-d-a-n.

17 Okay, go ahead, Ms. Wernick.

18 MS. WERNICK: Okay, I don't have much more here.  
19 Just a few head of Housekeeping matters for the record.

20 Ms. Yan, may I bother you to pull up Petitioner  
21 Exhibit 5? It is the April 22 Housekeeping TA's.

22 HEARING OFFICER MOLANO: Petitioner probably was  
23 not one of those that came through the standard email,  
24 it came in that larger group.

25 MS. WERNICK: Yes, it should have been Round 1.

1 HEARING OFFICER MOLANO: That means I should look  
2 for a newer version?

3 MS. WERNICK: Nope.

4 HEARING OFFICER MOLANO: Thank you.  
5 Were you able to locate that, Ms. Yan?

6 MS. YAN: I was.

7 HEARING OFFICER MOLANO: Okay, I am sharing my  
8 screen.

9 I think this here, Exhibit 5, is three pages, April  
10 2022, Housekeeping TA's.

11 Ms. Wernick, is this what you were seeking me to  
12 pull up?

13 MS. WERNICK: It is.

14 HEARING OFFICER MOLANO: Okay. Ms. Wernick?

15 Q BY MS. WERNICK: Ms. Cereiyo, how many room credits  
16 do your Housekeepers clean on a daily basis?

17 A Probably nine on a daily basis. Sorry, fourteen.

18 Q And how did you arrive at that number of credits?

19 A So, we have different type of rooms. So, they --  
20 the last rooms with one bed, they have rooms with two  
21 queen beds, and the rooms with balconies, some rooms  
22 with balconies have one credit. Junior suites, and  
23 magnificent suite, is going to be two credits, and the  
24 Presidential Suite is being three credits.

25 Q And what is the difference between a check-out and



1 a stay-over?

2 A Referring credits, there is no difference.

3 Q What is the difference in terms of your ability to  
4 assign them to Housekeepers?

5 A So, we try to balance the load that we are  
6 providing to the Housekeepers between the stay-overs and  
7 the check-outs. Check-outs are requiring a little bit  
8 more work than a stay-over for the change of linen on  
9 the bed and towels for the bathroom.

10 Q Is there a limit on the number of check-outs that  
11 you can assign to a Housekeeping employee in a day?

12 A Yeah, thirteen.

13 Q And how did that limit come about?

14 A An agreement that we write with the Union.

15 MS. WERNICK: Ms. Molano, I am going to ask you to  
16 scroll down to Page 3 of Petitioner Exhibit 5.

17 HEARING OFFICER MOLANO: Would you like me to zoom  
18 in at all?

19 MS. WERNICK: Yeah, please.

20 HEARING OFFICER MOLANO: The whole page or some  
21 sections; is that all right?

22 Q BY MS. WERNICK: Ms. Cereiyo, can you clearly see  
23 Page 3, specifically, where it starts "Housekeeping?"

24 A Yes.

25 Q Ms. Cereiyo, you referenced an agreement with the

1 Union regarding the assignment of checkouts.

2 A Yes.

3 Q How did this agreement come about?

4 A Well, it came about because unfortunately, we have  
5 restrictions. (Inaudible) regarding the rooms for stay-  
6 overs. We were having many check-outs to distribute to  
7 the Housekeepers, and it was difficult to manage.

8 Q And this agreement, the Housekeeping agreement with  
9 the Union, at the bottom of the page, (inaudible -  
10 coughing) and it is dated 4-27-22. Is that your  
11 recollection of when the parties signed this agreement?

12 A Yes.

13 Q Was the hotel abiding by the terms of this  
14 Housekeeping Agreement prior to April 27, 2022?

15 A I think so.

16 Q And was that with the Union's agreement?

17 A Yes.

18 Q I would like to draw your attention to Paragraph 4  
19 of Page 3.

20 A Uh-huh.

21 Q It starts, "Extra dirty rooms." Can you explain  
22 what Paragraph 4 is?

23 A So, this is when Housekeepers are finding a room  
24 that is too dirty so that they won't be able to clean  
25 that room on the 1/2-hour time limit that we considered

1 for our credit," so that Housekeeper has to let the  
2 Supervisor know what is the status of that room, and the  
3 preceding Housekeeper fell on that room, and if on the  
4 case that the Supervisor didn't agree with the  
5 Housekeeper, we would think that the room -- that  
6 Housekeeper is saying we were bringing our HR in so that  
7 somebody else can determine is that -- what is the  
8 status of the room, and to consider if that room will  
9 need extra time or it will need extra help to -- to be  
10 able to finalize in a half-hour.

11 Q And does the hotel follow this housekeeping  
12 agreement in 2022?

13 A Yes.

14 Q Does the Hotel still currently follow this  
15 housekeeping agreement?

16 A Yes.

17 Q The next item I would like to draw your attention  
18 to is Paragraph 1.

19 A Yes.

20 Q Can you -- can you explain Paragraph 1?

21 A All relevant discipline issued against bargaining  
22 unit employees shall be retracted.

23 Q And do you recall if -- well, what disciplines does  
24 this refer to, this Paragraph 1?

25 A So, we have situations where some Housekeepers

1 didn't finalize the deal. They didn't make the fourteen  
2 credits that were assigned, and we were having some  
3 disciplines about that. In other situations, the one I  
4 remember of course, is that there were losing some  
5 credits, and we agreed that we were applying this  
6 Housekeeping Agreement, we -- we retracted all  
7 disciplines that we were providing.

8 Q Can you recall if all disciplines were then -- all  
9 open disciplines were then retracted in April 2022?

10 A Yes.

11 HEARING OFFICER MOLANO: Yes, you recall, or yes,  
12 they were retracted?

13 THE WITNESS: Yes, they were retracted.

14 HEARING OFFICER MOLANO: Okay.

15 MS. WERNICK: Ms. Molano, I am going to ask if you  
16 could please stop sharing the screen.

17 HEARING OFFICER MOLANO: Okay.

18 MS. WERNICK: Ms. Molano, I am going to ask if you  
19 can please share Employer 6.

20 HEARING OFFICER MOLANO: Has everybody been able to  
21 look at Employer Exhibit 6?

22 MS. YAN: Yes.

23 HEARING OFFICER MOLANO: Okay, this is a three-page  
24 document, "Employer Withdrew Proposals;" is that right,  
25 Ms. Wernick?

1 MS. WERNICK: *[Inaudible]*

2 HEARING OFFICER MOLANO: I'm sorry, I couldn't  
3 quite here. What did you say?

4 MS. WERNICK: Yes, that's correct.

5 HEARING OFFICER MOLANO: Okay. All right, I have  
6 that up, three pages?

7 MS. WERNICK: This is a three-page document with a  
8 -- the first page is a cover page that says, "Employer  
9 Exhibit 6, Employer Economic Proposal."

10 I am going to ask Ms. Molano to please scroll down  
11 through Pages 2 and 3.

12 And if you can please return to Page 2.

13 Thank you.

14 Q BY MS. WERNICK: The screen is showing Page 2 of  
15 Employer Exhibit 5 -- I'm sorry, 6.

16 Ms. Cereijo, are you familiar with this document?

17 A Yes.

18 Q What is this document?

19 A So, it was proposal that Eurostars might need to  
20 *(inaudible)* bargaining sessions.

21 Q And do you recall whether this proposal was e-  
22 mailed or handed to the Union across the table?

23 A It was handed to the Union across the table.

24 Q And do you recall whether the Union was -- do you  
25 recall whether the Employer provided information to the

1 Union regarding the employees' current wages, prior to  
2 the -- prior to giving them that economic proposal.

3 MS. YAN: Objection, leading.

4 HEARING OFFICER MOLANO: I'm sorry, Ms. Yan, you  
5 said, "Objection, leading?"

6 MS. YAN: Yes.

7 HEARING OFFICER MOLANO: Ms. Wernick, can you ask  
8 it differently?

9 MS. WERNICK: Sure.

10 Q BY MS. WERNICK: What information was provided to  
11 the Union regarding employee wages to form this  
12 proposal?

13 A They asked for -- the employees were having how  
14 much we were paying for overtime. I think that also how  
15 many hours they were doing for overtime. Regarding  
16 wages, I think -- yeah, regarding wages, overtime, and I  
17 this is what I remember.

18 Q On Page 2, under Wages, it indicates that the  
19 Employer will increase all employee wages to \$16.00 per  
20 hour, upon ratification of Labor Agreement.

21 Do you recall -- do you recall whether new  
22 employees made less than \$16.00 per hour on June 15th,  
23 2022?

24 A Yes.

25 HEARING OFFICER MOLANO: Yes, you recall, or yes,

1 they were receiving less than \$16.00 per hour.

2 THE WITNESS: Yes, they were receiving less than  
3 \$16.00 an hour.

4 HEARING OFFICER MOLANO: Okay.

5 Sorry, Ms. Wernick.

6 Q BY MS. WERNICK: And how do you know that?

7 A Because we were having employees that were making  
8 the minimum wage. The minimum wage was under that rate.

9 Q And why were new employees making the minimum wage?

10 A Because this is what we could offer. We couldn't  
11 make any changes on the wages.

12 Q And why were you unable to make any changes to  
13 their wages?

14 A Because we can only make changes when the Union  
15 agrees.

16 Q Ms. Cereiyo, I am going to ask you to look at Page  
17 3 of Employer Exhibit 6, and ask Ms. Molano to please  
18 scroll down.

19 HEARING OFFICER MOLANO: I have scrolled down.

20 Q BY MS. WERNICK: Ms. Cereiyo, have you seen Page 3  
21 before?

22 A Yes.

23 Q What is this -- what is on Page 3?

24 A So it was a second proposal for the Union regarding  
25 the wages of the employees.

1 Q And is it greater than the proposal provided by the  
2 Employer on Page 2?

3 A Yes.

4 Q And did the Union provide a counter to the proposal  
5 contained on Page 2 in June of 2022?

6 A No.

7 Q Did the Union -- how many times did the Union offer  
8 a wage proposal?

9 A It always was the same one, and it was for them  
10 wanting their wage they have with the rest of the  
11 contracts they have, I guess.

12 MS. WERNICK: All right, I have no further  
13 questions with respect to Employer Exhibit 6.

14 HEARING OFFICER MOLANO: Okay, are you --

15 MS. WERNICK: The Employer would move to admit  
16 Employer Exhibit 6 into evidence.

17 HEARING OFFICER MOLANO: Ms. Yan, any objection?

18 MS. YAN: Can I do a brief voir dire?

19 HEARING OFFICER MOLANO: Yes, ma'am.

20 VOIR DIRE

21 Q BY MS. YAN: All right, so Employer Exhibit 6, if  
22 we are looking at Page 2 of the document --

23 HEARING OFFICER MOLANO: Do you want me to scroll  
24 up?

25 MS. YAN: Yes, please.



1 Thank you.

2 Q BY MS. YAN: Patricia, did you draft this document  
3 that we are looking at on Page 2?

4 A I mean writing these -- typing this specific  
5 document? No, I didn't type it myself.

6 Q Did you dictate this document to someone else to  
7 write down?

8 A Well, before that, we were preparing this proposal.  
9 I was having conversations on the Company. It is not --  
10 I cannot make the decision for the proposals.

11 Q And when you were pulling this particular document  
12 from -- that is labeled "June 15, 2022," how is this  
13 document maintained by Eurostars?

14 A What do you mean?

15 Q Where did you find it?

16 A Well, I mean, they were -- we were handling in our  
17 bargaining session with the Union, we keep all of the  
18 supplements that they were -- that we were providing on  
19 that meetings.

20 Q And where do you keep them?

21 A On the e-mail.

22 Q So, this document was pulled from your e-mail?

23 A I mean, not from my specific e-mail.

24 Q Okay. So, do you know whose e-mail this is pulled  
25 from?

1 A No.

2 Q Besides e-mail, did Eurostars maintain this  
3 document somewhere in the office?

4 A No, I see that only on e-mails on the desktop on my  
5 computer, but I don't think I have it on paper, if that  
6 is the question. Maybe, yes, I -- I have some documents  
7 on paper, in my office, but specifically, in my office,  
8 this one.

9 Q All right, so same questions for Page 3 of Employer  
10 Exhibit 6.

11 MS. YAN: Ms. Molano, if you can scroll down?

12 HEARING OFFICER MOLANO: Okay.

13 Q BY MS. YAN: So, Patricia, did you draft this  
14 document?

15 A I didn't type it myself. It was everybody and the  
16 other one, so the wage and everything that is proposing,  
17 it was proposing from Golden Mile in different  
18 conversations.

19 Q But you were present when it was passed across the  
20 table.

21 A Yes.

22 Q All right, and where -- and how is this document  
23 kept, Page 3?

24 A So, on my files in the computer, on my e-mail, as I  
25 say before, I am not sure if I have the paper document

1 in my office. I am not sure about it.

2 Q And did this particular document, Page 3, come from  
3 your e-mail in your office?

4 A Not from my e-mail, no.

5 Q So, you thought this was around July 6, 2022?

6 A I am sure. I don't think that was the last time  
7 that I am seeing it. I think -- definitely we were  
8 discussing these more times, and I was seeing more  
9 times, but I cannot say exactly how many times after  
10 that.

11 MS. YAN: Okay, I think that's all I have.

12 HEARING OFFICER MOLANO: Any objection to the  
13 receipt of Employer Exhibit 6?

14 MS. YAN: I guess -- I am wondering where the  
15 document came from, and I am wondering if we can lay a  
16 bit more foundation for that since Ms. Cereiyo doesn't  
17 seem to know where it came from.

18 HEARING OFFICER MOLANO: Yes, and from Ms.  
19 Cereiyo's testimony, it seems that it might be  
20 maintained in e-mails, but not hers, and she is not sure  
21 who it is.

22 Ms. Wernick, do you have another -- are there other  
23 questions you want to ask, or another --

24 MS. WERNICK: Sure.

25 HEARING OFFICER MOLANO: -- way to get this into

1 evidence?

2 MS. WERNICK: Sure.

3 HEARING OFFICER MOLANO: I agree there --

4 MS. WERNICK: Sure.

5 FURTHER DIRECT EXAMINATION

6 Q BY MS. WERNICK: Ms. Cereiyo, the proposals  
7 contained on 2 and 3, are those accurate representations  
8 of the proposals conveyed to the Union -- the economic  
9 proposals conveyed to the Union in June and July 2022?

10 A Yes.

11 Q And are these proposals also maintained by your  
12 legal counsel?

13 A Yes.

14 Q And does your legal counsel send you proposals for  
15 review prior to submission to the Union?

16 A Yes.

17 Q Do you recall whether your legal counsel sent you  
18 these proposals prior to submission to the Union?

19 A Yes.

20 Q And do you recall whether legal counsel sent those  
21 to you by email?

22 A Yes.

23 Q And are these accurate -- accurate portrayals of  
24 the proposals sent to you by legal counsel, and  
25 ultimately provided to the Union?

1 A Yes.

2 MS. WERNICK: The -- the Employer would renew its  
3 motion to admit Employer Exhibit 6 into evidence.

4 MS. YAN: Sorry, just one more question if I can.

5 HEARING OFFICER MOLANO: Voir dire?

6 MS. YAN: Yes.

7 HEARING OFFICER MOLANO: Go ahead.

8 FURTHER VOIR DIRE

9 Q BY MS. YAN: Patricia, do you recall if you  
10 received Page 3 of Employer Exhibit 6 as a Word document  
11 or a .pdf?

12 A If I am recalling, I think it was a Word so that we  
13 could make modifications while we were discussing it, to  
14 make the final draft, before we were closing the table  
15 with the Union.

16 Q Page 2 of Employer Exhibit 6, do you recall if you  
17 received this document over e-mail, as a Word document  
18 or a .pdf?

19 HEARING OFFICER MOLANO: Would you like me to  
20 scroll up to Page 2?

21 MS. YAN: Yes, please.

22 HEARING OFFICER MOLANO: Okay, here is Page 2.

23 THE WITNESS: Same case. I believe that was in  
24 Word in case we wanted to make any modifications before  
25 we were crossing the table with the Union.

1 MS. YAN: That's all I have.

2 HEARING OFFICER MOLANO: Any objection to the  
3 receipt of Employer Exhibit 6?

4 MS. YAN: No objection.

5 HEARING OFFICER MOLANO: Ms. Wernick, are you  
6 offering these exhibits for the fact of the matter that  
7 these were provided to the Union on the dates on the top  
8 of each page?

9 MS. WERNICK: I am.

10 HEARING OFFICER MOLANO: I don't think we have  
11 evidence establishing the actual dates, but they were  
12 contained, but that is your wish. Do you wish to ask  
13 additional questions to try and establish that date --  
14 those dates, I'm sorry?

15 MS. WERNICK: Sure.

16 FURTHER DIRECT EXAMINATION

17 Q BY MS. WERNICK: Ms. Cereiyo, do you recall if you  
18 met with the Union to bargain in June of 2022?

19 A Yes.

20 Q And do you recall --

21 HEARING OFFICER MOLANO: That was in June or --

22 THE WITNESS: In June, yeah. In June.

23 HEARING OFFICER MOLANO: Thank you.

24 Q BY MS. WERNICK: And do you recall that the  
25 Employer forwarded an economic proposal in June of 2022?

1 A Yes, I recall it.

2 Q Do you remember the exact dates that you met with  
3 the Union?

4 A June 15 --

5 Q Uh-huh.

6 A June 15, 2022.

7 MS. WERNICK: And I am going to move down to Page  
8 3.

9 HEARING OFFICER MOLANO: Would you like me to  
10 scroll down?

11 MS. WERNICK: Yes, please. Employer Exhibit 6.

12 Q BY MS. WERNICK: Ms. Cereiyo, do you recall if you  
13 met with the Union to negotiate in July of 2022?

14 A Yes, I recall that we meet on July 2022.

15 Q And did the Employer present the Union with another  
16 wage proposal in July 2022?

17 A Yes.

18 Q And do you recall the exact date in 2022 that the  
19 Employer and the Union met to discuss the Union's -- the  
20 Employer's additional wage proposal?

21 A 6 of July 2022.

22 MS. WERNICK: The Employer again would move  
23 Employer Exhibit 6 into evidence.

24 HEARING OFFICER MOLANO: Ms. Yan, any objection?

25 MS. YAN: No objection.

1 HEARING OFFICER MOLANO: Employer Exhibit 6 is  
2 received.

3 **(Employer Exhibit 6, received into evidence.)**

4 HEARING OFFICER MOLANO: Give me just a moment to  
5 make a note.

6 I am going to stop sharing my screen.

7 If you would like for me to do so for something  
8 else, just let me know.

9 MS. WERNICK: Perhaps in a moment.

10 And just to give everybody an idea, this is the  
11 last line of questioning.

12 Q BY MS. WERNICK: Ms. Cereiyo, did you provide --  
13 strike that.

14 How do Housekeeping employees know what rooms they  
15 are supposed to clean every day?

16 A Every morning, there is a Housekeeping briefing,  
17 where the supervisor is providing the daily assignments  
18 to the different Housekeepers.

19 Q And did you provide copies of the daily assignments  
20 for Housekeepers for September and October 2022, as part  
21 of this hearing?

22 A Yes.

23 Q And do you recall earlier in this hearing we  
24 reviewed and discussed the Union's exhibits that  
25 contained September 2022 and October 2022 Housekeeping



1 assignments?

2 A Yes.

3 MS. WERNICK: Ms. Molano, I am going to ask you to  
4 pull them up, just to do them a little bit more  
5 completely.

6 Ms. Molano, could you please pull up Petitioner  
7 Exhibits 54, 56, and Employer Exhibit 4?

8 HEARING OFFICER MOLANO: Petitioner Exhibit 54, 56,  
9 and Employer Exhibit 4?

10 MS. WERNICK: Yes, please.

11 HEARING OFFICER MOLANO: Okay, just a moment.

12 *[Brief pause]*

13 HEARING OFFICER MOLANO: Ms. Yan, just because she  
14 is referring to Petitioner Exhibits, do you recall if  
15 there was more than one version of 54 and 56 that you  
16 circulated?

17 MS. YAN: I don't believe so. They should be in  
18 separate e-mails, with the exhibit label in the subject  
19 line.

20 HEARING OFFICER MOLANO: Okay, I located them, but  
21 I just wanted to make sure -- but, okay.

22 Ms. Wernick, I have Petitioner 54, Petitioner 56,  
23 and Employer Exhibit 4.

24 Just let me know which you want to share?

25 MS. WERNICK: Yeah, could we start with Petitioner

1 Exhibit 54, please?

2 HEARING OFFICER MOLANO: Ms. Yan, do you have the  
3 three exhibits available?

4 Okay, I am going to go ahead and share for  
5 Petitioner 54. I am on Page 1 of 217.

6 Q BY MS. WERNICK: And Ms. Cereiyo, Petitioner 54,  
7 displayed on the screen, it is a 217-page document, with  
8 a cover page that says, "Petitioner Exhibit 54,  
9 September 14, 2022 to September 30, 2022, Room  
10 Assignment Sheets."

11 Is that correct?

12 A Yes.

13 Q And when you said that you provided September 2022  
14 Room Assignment Sheets to the Union during this hearing,  
15 are these the Room Assignment Sheets that you were  
16 referring to?

17 A Yes, these are the ones.

18 MS. WERNICK: Ms. Molano, I am going to ask you to  
19 share Petitioner Exhibit 56.

20 HEARING OFFICER MOLANO: This is Petitioner Exhibit  
21 56, of 558 pages.

22 Q BY MS. WERNICK: Ms. Cereiyo, as Ms. Molano said,  
23 Petitioner Exhibit 56 is a 558-page document. On the  
24 screen is the cover page which says, "Petitioner Exhibit  
25 56, October 2022, Room Assignment Sheets."

1 Is that correct?

2 A Yes.

3 Q And is this Petitioner Exhibit 56 the October Room  
4 Assignment Sheets that you indicated that you gathered  
5 and provided to the Union as part of this hearing?

6 A Yes, these are the ones.

7 MS. WERNICK: Ms. Molano, I am going to ask you to  
8 go to Employer Exhibit 4, please.

9 HEARING OFFICER MOLANO: Ms. Yan, you have that  
10 available, right?

11 MS. YAN: I do.

12 HEARING OFFICER MOLANO: Okay. Employer Exhibit 4,  
13 Page 1 of 9.

14 **(Employer Exhibit 4, marked for identification.)**

15 Q BY MS. WERNICK: Ms. Cereiyo, Employer Exhibit 4,  
16 as Ms. Molano said, is a nine-page document. It has a  
17 cover page on top that says -- the first page says,  
18 "Employer Exhibit 4, 9-14-2022 through 10-27-2022, Room  
19 Assignment Summary."

20 I would ask Ms. Molano to scroll through the  
21 following eight pages for you to review quickly.

22 HEARING OFFICER MOLANO: Ms. Cereiyo, you can see  
23 my screen, right?

24 THE WITNESS: Yes.

25 HEARING OFFICER MOLANO: Okay.

1 MS. WERNICK: Okay, you have scrolled all the way  
2 through.

3 Ms. Molano, could you please go back up to Page 2?

4 HEARING OFFICER MOLANO: Sure.

5 Q BY MS. WERNICK: Ms. Cereiyo, have you seen this  
6 document before?

7 A Yes, I was preparing myself.

8 Q What is this document?

9 A So, basically, these are the compilation for the  
10 day to day assignments that we see for on 54 and 56.

11 Q And who put this document together?

12 A Me.

13 Q And if you can start with the first date at the  
14 top, it says 9-14-2022, can you describe the information  
15 that is depicted for 9-14-2022?

16 A Yes. This is telling us which ones were the  
17 Housekeepers that were working that day. They were  
18 Lillibeth Gorostieta, she made fourteen credits; Doris  
19 Roldan, she made fourteen credits; Jessica Mantuano, she  
20 made fifteen credits, Susana Contreras, fourteen  
21 credits, Gisella Molina, fourteen credits; and for Mamie  
22 Cooper, fourteen credits, and one of them was a suite,  
23 so not fourteen room. They were doing fifteen rooms,  
24 but they were completing as fourteen rooms, because one  
25 of them was a suite. Mamie Cooper, same thing as

1 Gisella, fourteen credits; one of the rooms was a Junior  
2 Suite, and then a group from United, was working  
3 together; Andrea and Jhoan, they were temporary agents  
4 from the Agency, and it was Andrea, Jhoan Moreno, and  
5 Jaime, and they together were making 35 credits,  
6 including the 35, there was five suites, and one  
7 Presidential.

8 Q How many credits are assigned to suites?

9 A One suite is counted as two credits.

10 Q And how many credits are assigned to Presidential  
11 suites?

12 A Three credits.

13 Q And how did you calculate the total credits by  
14 employees on this worksheet?

15 A So I was counting the rooms that they were making  
16 as they did paperwork.

17 Q And by paperwork, do you mean the Room Assignment  
18 Sheets in Exhibit 54 and 56?

19 A Yes.

20 Q And did you -- did you use that same process for  
21 every date indicated in Employer Exhibit 4?

22 A Yes, same process.

23 MS. WERNICK: The Employer would move Employer  
24 Exhibit 4 into evidence.

25 HEARING OFFICER MOLANO: I have a couple follow-up

1 questions.

2 Ms. Yan, any objection?

3 MS. YAN: I have a few questions, as well, on voir  
4 dire.

5 HEARING OFFICER MOLANO: Go ahead.

6 VOIR DIRE

7 Q BY MS. YAN: So, Patricia, where it says in  
8 parentheses, "United," does that parentheses refer to  
9 all of the names in the row, or just the one that it is  
10 to the right of?

11 A I am not a hundred percent sure if Andrea was  
12 included in United (inaudible), but I was making the  
13 note of United because nobody from (inaudible) was  
14 working with that -- with those people.

15 Q And so where it is marked "United," I note there is  
16 a line in September 14, 2022, there is one in September  
17 15, 2022, and -- let me see if there is any other ones.

18 HEARING OFFICER MOLANO: Would you like me to  
19 scroll?

20 MS. YAN: Give me a second.

21 Okay, I don't think there are any others, so let me  
22 just focus on those two.

23 Q BY MS. YAN: So, for those, would it be fair to say  
24 that United, in parentheses, just means it is temp  
25 employees?

1 A Yes.

2 Q And...

3 MS. YAN: Ms. Molano, could you scroll to Page 6 of  
4 the exhibit, please?

5 Q BY MS. YAN: And Patricia, could you look at the  
6 first row of names -- can you look at the first row of  
7 names to the right of October 14th, 2022, there is a  
8 name that is cut off, and can you tell us what that is?

9 A Yes, Jaime Sotero.

10 Q And on the original Room Assignment Sheets, are  
11 their last names on the -- written at the top of each  
12 Room Assignment Sheet?

13 A No, only first names. I was writing that down  
14 myself, last names, and it was easy for everybody to  
15 identify, but on the daily assignments, they are only  
16 first names. There are no last names.

17 Q And I know...

18 MS. YAN: So, if we go to Page 7 of -- of the  
19 exhibit, if I could trouble you, and scroll?

20 HEARING OFFICER MOLANO: Of course. I was just  
21 making a quick note.

22 You said Page 7?

23 MS. YAN: Yes, Page 7.

24 HEARING OFFICER MOLANO: Okay, here is Page 7.

25 Q BY MS. YAN: So at the top of the first row of

1 names next to October 18th, 2022, there is someone  
2 called Gaby at the end, without a last name. So, where  
3 there aren't last names in this chart, was that because  
4 you don't know who -- the last name of that person?

5 A When I prepared the document I was only writing  
6 down last names for the employees that are working with  
7 the hotel, but there were some mis-typing on one of  
8 their first names from the people from the temporary  
9 agency, Jhoan specifically, and I know that there are  
10 two Jhoans, and they were questions from you regarding  
11 these two Jhoans, so this is why I identified them,  
12 because it could be a question, so I was trying to make  
13 it easier.

14 Regarding Gaby, or Gabriela, I was typing down  
15 specifically what they were saying on the Daily  
16 Assignment.

17 MS. YAN: I think that is all I have.

18 Thank you.

19 HEARING OFFICER MOLANO: I have a couple quick  
20 questions.

21 I want to scroll to...

22 EXAMINATION BY THE COURT

23 HEARING OFFICER MOLANO: Ms. Cereiyo, I have a  
24 couple questions.

25 So, for September 14, 2022, and September 15, 2022,



1 there is a parentheses that says "United." I think you  
2 testified that that indicates that that line comprises  
3 at least some temporary employees; is that right?

4 THE WITNESS: Yes.

5 HEARING OFFICER MOLANO: Some of those names appear  
6 elsewhere, but it doesn't have a parentheses with the  
7 agency name. Why is that?

8 For example -- so I will just look for this Jhoan.  
9 I know it showed up somewhere.

10 THE WITNESS: If it is not writing (phonetic) down  
11 than it isn't --

12 HEARING OFFICER MOLANO: That's okay. So, for  
13 example, I am looking at Page 4, October 3rd, 2022, his  
14 name appears again, but there is no parentheses. Is  
15 there any reason why it's in one and not the other?

16 THE WITNESS: Well, I mean, on that one  
17 specifically, I didn't type it down because they were  
18 working with somebody in-house, so this is why. I mean,  
19 they said they were temporary agency employees working  
20 together with our in-house employee, and I was writing  
21 down -- but they were with in-house employee, but it was  
22 because of that reason if I -- because I put in because  
23 there was maybe a question of -- or something that was  
24 easier for everybody to identify. It was because of  
25 that.

1 HEARING OFFICER MOLANO: I am not suggesting you  
2 were doing anything wrong. I am just trying to  
3 interpret --

4 THE WITNESS: Yeah.

5 HEARING OFFICER MOLANO: -- another level of  
6 information, and I wanted to make sure I understand if  
7 that is fair or not. I am not trying to read into  
8 something that is not there, but I am just trying to  
9 understand if there is.

10 So, is it -- I am trying to kind of reflect back to  
11 see if I am understanding this correct, and it is  
12 possible that I am not.

13 Is it possible that there are temporary employees  
14 identified elsewhere within this document, by first  
15 and/or last name, where it does not say Unite or the  
16 name of the temp agency?

17 THE WITNESS: Yes.

18 HEARING OFFICER MOLANO: Okay, so we would need  
19 information from elsewhere to see who is an in-house  
20 employee versus a temporary employee; is that fair to  
21 say?

22 THE WITNESS: Yeah.

23 HEARING OFFICER MOLANO: Okay. If somebody's last  
24 name is not shown, does that mean there are two people  
25 by that same name?

1           THE WITNESS: In Housekeeping employees, I was  
2 writing down all of the last names. For employees from  
3 the temporary agency, the only one that I was writing  
4 down last names, because I was checking out the  
5 timesheets, that we are hiring from the temporary  
6 agency, it was Jhoan because previously there were  
7 questions from the Union, that there were two Jhoans, so  
8 I put in mine that it would be easy for them to identify  
9 if there were questions how I -- everybody else I didn't  
10 write down the last names, because in general, I think,  
11 there was only one, and I am sure there are more than  
12 one, maybe Jaime, but I think for that period of time,  
13 maybe there was only one, I'm not 100% sure, but I was  
14 like basically copying what the daily assignments say --

15           HEARING OFFICER MOLANO: Okay.

16           THE WITNESS: -- and the daily assignments does not  
17 have last names.

18           HEARING OFFICER MOLANO: Okay. So, again, it  
19 sounds like there is nothing that no additional  
20 information we should take away from there being no last  
21 name for certain individuals. Is that fair to say?

22           THE WITNESS: Yes.

23           HEARING OFFICER MOLANO: Okay. I am going to go to  
24 Page 2, because that is one you talked about.

25           September 14th, 2022, just because that is the

1 example you talked about.

2 The credits that you calculated in the Credit  
3 column, does that reflect credits completed or credits  
4 assigned?

5 THE WITNESS: Credits completed.

6 HEARING OFFICER MOLANO: Okay. So, in a number of  
7 places, the names of Rosa Calle, Liliana Chaparro show  
8 up. I am not trying to point them all out, just I  
9 noticed that in general, they appear in certain places.

10 One example is October 14th, 2022, it shows Rosa  
11 Calle. What is the inclusion of her name there?

12 THE WITNESS: Well, this is how I write them down  
13 on the daily assignment and the times where Rosa Calle  
14 was writing them down on the daily assignment is because  
15 she was actually also helping to clean rooms, because we  
16 needed the rooms for that day.

17 HEARING OFFICER MOLANO: Okay. So if her name  
18 appears on this exhibit, you put it there because her  
19 name appeared on the actual Room Assignment Sheets at  
20 the top in handwriting?

21 THE WITNESS: Yes.

22 HEARING OFFICER MOLANO: Okay, and then your  
23 understanding of that is that she actually did some of  
24 the cleaning of rooms to help?

25 THE WITNESS: Yes.

1 HEARING OFFICER MOLANO: Okay. So that -- would  
2 that be consistent with any times that the names of  
3 Liliana Chaparro and Rosa Calle also appear, that there  
4 is a sheet, that you put it on this exhibit, for Exhibit  
5 4; is that correct, so far?

6 THE WITNESS: Yes.

7 HEARING OFFICER MOLANO: Okay, and then similarly,  
8 your understanding is that that meant that those  
9 individuals completed work from those Assignment Sheets?

10 THE WITNESS: Yes.

11 HEARING OFFICER MOLANO: Thank you.

12 Okay, those are my questions.

13 Ms. Wernick, do you have any additional questions  
14 concerning this exhibit?

15 MS. WERNICK: I do not.

16 HEARING OFFICER MOLANO: I apologize...

17 Did you make a motion to move this into the record?

18 MS. WERNICK: I did, and I renew that.

19 HEARING OFFICER MOLANO: That's fine. I'm sure it  
20 is there we just had voir dire, so that was my note to  
21 kind of prompt that that likely did happen.

22 Ms. Yan, any objection?

23 MS. YAN: So, I -- I do object to this coming in  
24 for the truth of the matter, as I -- I feel like this is  
25 similar to the translation documents in terms of it is a

1 helpful interpretive tool for the voluminous documents  
2 that are already admitted as Employer Exhibit 54 and 56.  
3 I appreciate that the Employer has done this work, but  
4 for purposes of -- because I haven't had a chance to  
5 cross reference with the documents, and do my own  
6 calculations, and -- and it just -- it would feel more  
7 comfortable if this was admitted for a more limited  
8 purpose, and my understanding is, my off the record  
9 conversation with Ms. Wernick yesterday, is that sort of  
10 limitation would be acceptable. So I wanted to propose  
11 a modification to the motion that is amenable.

12 HEARING OFFICER MOLANO: Ms. Wernick?

13 MS. WERNICK: Yeah, we are okay with it being  
14 amended for that purpose, as a demonstrative tool as  
15 opposed to for the truth of the numbers contained  
16 therein. I mean, Ms. Cereijo testified that these  
17 numbers are based on her review of the -- and  
18 calculation of the room sheets that are already in  
19 evidence, to the extent that this is admitted as  
20 limited. As an exhibit, we are okay if it is limited to  
21 use as a demonstrative device.

22 HEARING OFFICER MOLANO: Okay, so to make sure I  
23 understand...

24 The limit to the motion, to the -- just to kind of  
25 test it, to the extent the primary documents, meaning

1 the Room Assignment Sheets, the calculation of those  
2 numbers deviates from those on Employer Exhibit 4.

3 Employer, you do not -- it is my understanding that  
4 you are not seeking to have Employer Exhibit 4 trump the  
5 accuracy of the primary documents; is that fair to say?

6 MS. WERNICK: That's correct.

7 HEARING OFFICER MOLANO: Okay. Ms. Yan, given the  
8 amendment to the motion, do you have any objection?

9 MS. YAN: I don't.

10 HEARING OFFICER MOLANO: Okay. Employer Exhibit 4  
11 is received for that limited purpose, as amended by the  
12 Employer.

13 **(Employer Exhibit 4, received into evidence.)**

14 HEARING OFFICER MOLANO: I am just making a note.

15 *[Brief pause]*

16 HEARING OFFICER MOLANO: Okay, Ms. Wernick, you may  
17 proceed.

18 MS. WERNICK: The Employer doesn't have any more  
19 questions.

20 I -- before we start the confetti guns, I would --  
21 I would ask that -- could we take just a short courtesy  
22 break, unless the Board -- there are a lot of questions,  
23 or a significant amount, I would just ask if we could  
24 just take a brief courtesy break.

25 HEARING OFFICER MOLANO: A courtesy break right now

1 makes sense.

2 MS. WERNICK: All right, thank you.

3 HEARING OFFICER MOLANO: Five minutes?

4 Ms. Cereijo, please do not discuss your testimony  
5 with anyone.

6 We will return in five minutes.

7 Off the record.

8 *[Off the record]*

9 HEARING OFFICER MOLANO: Welcome back, everyone.

10 Right before we went off the record, Ms. Wernick,  
11 you said you had no further questions on direct for Ms.  
12 Cereijo. Is that still the case?

13 MS. WERNICK: That's correct.

14 HEARING OFFICER MOLANO: Okay, I have just one  
15 clarifying question.

16 Ms. Cereijo, at the very beginning of the new  
17 direct testimony on rebuttal, we talked about room  
18 occupancy, there is a reference to room occupancy, and  
19 projected room occupancy, and you referenced to being  
20 able to see it. It didn't sound like it was something  
21 you could like log into, that it was stored somewhere  
22 and updated, and that what I think was said, "but I see  
23 it." I just wanted to ask what you meant by "I see it."

24 THE WITNESS: I mean that, you know, our production  
25 system in the hotel, we are able to see how many rooms



1 are occupied for any period of the year (inaudible) not  
2 predicted occupancy.

3 HEARING OFFICER MOLANO: Okay. And who is it that  
4 can see that, that can access that system?

5 THE WITNESS: So the system has access -- we are  
6 speaking about Housekeeping, so Housekeeping Manager, if  
7 they want to have access to that information. So she is  
8 able to prepare the schedule.

9 HEARING OFFICER MOLANO: That is Rosa Calle, right?

10 THE WITNESS: Yes.

11 HEARING OFFICER MOLANO: And yourself?

12 THE WITNESS: Yeah, of course.

13 HEARING OFFICER MOLANO: Okay. That is my only  
14 question.

15 Ms. Wernick, did you have any follow-up?

16 MS. WERNICK: I do not.

17 HEARING OFFICER MOLANO: All right, Ms. Yan, do you  
18 have questions on cross?

19 MS. YAN: I do.

20 HEARING OFFICER MOLANO: Are you ready to go, or do  
21 you need some time?

22 MS. YAN: I am ready to go.

23 HEARING OFFICER MOLANO: Okay. Go ahead.

24 CROSS EXAMINATION

25 Q BY MS. YAN: Patricia, you were just talking about

1 the difference between real occupancy and predictive  
2 occupancy, and I guess -- so how -- in what form is the  
3 predictive occupancy kept by -- by Eurostars?

4 A So the predictive occupancy is documents that I am  
5 sharing with the Revenue Department, in order for us to  
6 anticipate what we believe will happen.

7 Q Those aren't numbers that Rosa Calle would  
8 reference in scheduling Housekeepers?

9 A No. She -- in case that I -- I am anticipating  
10 that there will be something that the numbers not show  
11 up, the real numbers, but I know that we can anticipate  
12 that we will need a higher occupancy, I will give her a  
13 heads-up but she will not be able to see. She only can  
14 see real numbers.

15 Q I'm sorry, I might have -- I didn't hear you.  
16 You would give her a what?

17 HEARING OFFICER MOLANO: I think she said "heads-  
18 up."

19 THE WITNESS: Heads-up, yeah.

20 MS. YAN: Got it.

21 Q BY MS. YAN: All right, so I am going to pull up  
22 Employer Exhibit 2, if everybody can get that up, I will  
23 share my screen when it is a good time...

24 HEARING OFFICER MOLANO: You said --

25 MS. YAN: Employer Exhibit 2.

1 HEARING OFFICER MOLANO: Okay.

2 Ms. Wernick, were you able to look at it?

3 MS. WERNICK: I was.

4 HEARING OFFICER MOLANO: Okay, please go ahead, Ms.  
5 Yan.

6 MS. YAN: Thank you.

7 Q BY MS. YAN: So, this was -- these are documents  
8 you pulled from your operating system -- these are  
9 numbers you pulled from your operating system about real  
10 occupancy?

11 A Yes.

12 Q Okay. When -- when did you create this document?  
13 When did you create the Excel spreadsheet with these  
14 numbers?

15 A I don't recall exactly when I created it. I don't  
16 know when I did it exactly.

17 Q Was it last month, two months ago, three months  
18 ago? Can you estimate?

19 A Yeah, maybe one month ago. I don't remember when  
20 -- when the information was -- it was one of the  
21 requests that was in the subpoena, so I prepared the  
22 documentation, but I don't remember exactly the time.

23 Q So, these monthly real occupancy rates were  
24 calculated just to respond to the Union's subpoena?

25 A Yes.

1 Q Does the Revenue Department look at monthly  
2 occupancy rates and the real monthly occupancy rates  
3 when calculating the predictive occupancy?

4 A There are many factors to have -- the occupancy  
5 that you have or you had last year. There are other  
6 factors.

7 Q Okay, and does the occupancy rates that are  
8 referenced in terms of predicting the future occupancy,  
9 are those weekly numbers or daily?

10 A The ones that I am sharing with our Revenue  
11 Department, you mean?

12 Q Yes. So -- so of the variables that are used in  
13 predicting occupancy, is one of the variables -- is the  
14 variable used as a weekly figure or a daily figure or a  
15 monthly figure?

16 A Daily figure.

17 HEARING OFFICER MOLANO: Ms. Yan, do you mean as an  
18 input or an output?

19 MS. YAN: As an input.

20 Q BY MS. YAN: So when you are looking at -- when you  
21 are trying to predict occupancy, you are trying to  
22 predict for a single day?

23 A We are predicting both, both monthly and daily.

24 Q Okay. And the input -- but the -- the inputs you  
25 use to estimate the occupancy, those are daily rates; is

1 that what you were saying?

2 A I don't think that I understand the question.

3 Q Sure. So -- so, I am just trying to understand --

4 HEARING OFFICER MOLANO: Can I give this a try?

5 MS. YAN: Yes.

6 HEARING OFFICER MOLANO: Ms. Cereiyo, so there is  
7 consideration of -- input refers to information you  
8 consider to calculate the predictive rate, so you  
9 consider A, B, and C, and then you get the result. The  
10 input is what you look at, and then the output is the  
11 answer to your question.

12 So, as an input, information you consider, does  
13 that include daily real occupancy rates or weekly or  
14 monthly?

15 THE WITNESS: Daily and monthly.

16 HEARING OFFICER MOLANO: Ms. Yan?

17 MS. YAN: Yes.

18 Q BY MS. YAN: All right. All right, so -- so if we  
19 are looking July of 2022, for example, and Rosa Calle  
20 was scheduling Housekeepers in June of 2022, would she  
21 have known that the occupancy would be 79.41 percent?

22 A The specific person dates, no, because -- we cannot  
23 anticipate exactly which one would be person dates; we  
24 don't know.

25 HEARING OFFICER MOLANO: Can you zoom in a little

1 bit? The figures are kind of small.

2 MS. YAN: Yes. Absolutely.

3 HEARING OFFICER MOLANO: Thanks.

4 Q BY MS. YAN: So, Patricia, can you see the numbers  
5 I was referring to just now?

6 A Yes.

7 HEARING OFFICER MOLANO: June 2022?

8 MS. YAN: Yes.

9 Q BY MS. YAN: So I was talking about hypothetically,  
10 June 2022, and whether the July 2022 figure, 79.41  
11 percent would have been known in June 2022.

12 A We anticipate that we will be higher occupancy  
13 because the numbers were increasing since May to June,  
14 so we consider that being July will keep increasing, but  
15 we didn't know if this one will be the real updates or  
16 not, because everything was happening so last minute,  
17 and of course, we cannot anticipate this specific or  
18 exact occupancy that we would have.

19 Q Okay.

20 MS. YAN: All right, I am going to stop sharing my  
21 screen, and pull up Petitioner Exhibit 6.

22 HEARING OFFICER MOLANO: You said Petitioner  
23 Exhibit 6?

24 MS. YAN: That's right.

25 HEARING OFFICER MOLANO: What pages?

1 MS. YAN: Four pages.

2 HEARING OFFICER MOLANO: Okay, Ms. Wernick, were  
3 you able to locate Petitioner Exhibit 6?

4 MS. WERNICK: I was.

5 HEARING OFFICER MOLANO: Okay, please go ahead, Ms.  
6 Yan.

7 MS. YAN: Thank you.

8 Q BY MS. YAN: Okay, Patricia, I am showing you  
9 what's been marked as Petitioner Exhibit 6. I believe  
10 this has come up before in this hearing, so it is not a  
11 new exhibit.

12 Do you -- do you recognize this document?

13 A Yes.

14 Q What is it?

15 A Well, it is draft of a TA that we were going back  
16 and forth with the Union for an agreement.

17 Q Okay. And if you can see on Page 2 of this  
18 document, there are a few red underlined lines that say  
19 TA-2021.11.30.

20 Do you see that on this page?

21 A Yes, I see.

22 Q Okay. And that appears next to Line 1, 2, 3, 4, 7,  
23 and 8. Is that right?

24 A Yes.

25 HEARING OFFICER MOLANO: To clarify, in terms of

1 your question, do you mean line numbers or paragraph  
2 numbers?

3 MS. YAN: I meant paragraph numbers. Thank you.

4 Q BY MS. YAN: So Paragraphs 1, 2, 3, 4, 7, and 8.

5 A I see what is writing now, yes.

6 Q Okay. Earlier you testified that -- that  
7 Housekeeping policies were agreed to in April of 2022;  
8 do you recall that?

9 A Yes.

10 Q Does this refresh your recollection as to when  
11 those Housekeeping agreements were arrived at with the  
12 Union?

13 A I mean the day that was signing was the day that  
14 was happening on the previous document. We were signing  
15 on April 2022.

16 Q Okay. But the -- the contents of the agreement  
17 itself regarding the Paragraphs 1 through 3 -- sorry,  
18 Paragraphs 1 through 4, and 7 and 8, on this page, did  
19 Eurostars reach an agreement on those items on November  
20 30th, 2021?

21 A I don't remember.

22 Q Okay.

23 HEARING OFFICER MOLANO: Ms. Yan, I want to ask, in  
24 terms of the question you are asking, are you asking  
25 when an agreement, a tentative agreement was reached, or



1    when --

2           MS. YAN:   Yes.

3           HEARING OFFICER MOLANO:  -- it was implemented?

4    There is that distinction.

5           MS. YAN:   Yeah, I haven't reached that yet, but I  
6    was asking about the tentative agreement at the table.

7           HEARING OFFICER MOLANO:  Okay.  Sorry, I was just  
8    trying to make sure -- to follow.

9    Q     BY MS. YAN:  Patricia, do you recall when a  
10   tentative agreement was reached about Paragraphs 1  
11   through 4, and 7 and 8, on this page?

12   A     No, I don't remember.

13   Q     Okay.  Do you recall if -- if the hotel implemented  
14   Paragraphs 1 through 4, and 7 and 8, on November 30th,  
15   2021?

16   A     I don't remember.

17   Q     Looking at the contents of Paragraphs 1 through 4  
18   and 7 and 8, are those Housekeeping procedures that the  
19   Hotel did implement at Eurostars?

20   A     Which ones?

21   Q     1 through 4, and 7 and 8.

22   A     Yes.

23   Q     Okay, and do you recall approximately when those  
24   were implemented?

25   A     No, not an exact time.

1 Q Do you recall anything significant about November  
2 30th, 2021?

3 A No. No.

4 Q Okay. Did the hotel have any compliance deadline  
5 with the NLRB on -- on that date?

6 A I am not sure exactly.

7 MS. YAN: I am going to switch to Petitioner  
8 Exhibit 3 now, if you can pull that up?

9 HEARING OFFICER MOLANO: Just a moment.  
10 You said Petitioner 3?

11 MS. YAN: That's right.

12 HEARING OFFICER MOLANO: That is a 6-page document;  
13 is that right?

14 MS. YAN: That is correct.

15 HEARING OFFICER MOLANO: Ms. Wernick, were you able  
16 to pull up Petitioner Exhibit 3?

17 MS. WERNICK: I was.

18 HEARING OFFICER MOLANO: Great. Go ahead, Ms. Yan.

19 MS. YAN: Thank you.

20 Q BY MS. YAN: All right, so Patricia, I am showing  
21 you what has been marked as Petitioner Exhibit 3, Board  
22 Approval of Formal Settlement.

23 I am going to scroll through this document. I am  
24 not sure I have showed it to you yet -- so you can see  
25 the whole thing.

1 A Uh-huh.

2 Q All right, do you recognize the contents of this  
3 document?

4 A Yes.

5 Q What is it?

6 A So, this document is going back but basically  
7 showing things that the Hotel has to make or change.

8 MS. WERNICK: Objection as to relevance in this  
9 line of questioning.

10 HEARING OFFICER MOLANO: What is the relevance?

11 MS. YAN: I am trying to refresh her recollection  
12 about a date, making sure she knows at least what she is  
13 looking at before I do that.

14 HEARING OFFICER MOLANO: Overruled. Go ahead.

15 MS. YAN: Thank you.

16 Q BY MS. YAN: So, I am going to direct your  
17 attention to Page 4 of -- of this exhibit. I will zoom  
18 in so you can see.

19 Do you see the date right towards the bottom of the  
20 document above the list of names?

21 A Yes.

22 Q Do you recall when you received the -- a document  
23 with the contents of Petitioner Exhibit 3?

24 A No, I don't remember.

25 HEARING OFFICER MOLANO: I would note for the

1 record that the date that appears of the bottom of that  
2 page is November 29, 2021.

3 MS. YAN: Thank you.

4 Q BY MS. YAN: And do you recall if the Employer had  
5 certain affirmative actions it needed to take, based on  
6 the document -- the information in Petitioner Exhibit 3?

7 MS. WERNICK: Objection, relevance.

8 HEARING OFFICER MOLANO: Ms. Yan? I -- I think I  
9 see where you are going with this, so I am going to give  
10 you a little bit of a leash, but -- I mean, she is not  
11 an attorney, so she is not expected to know exactly what  
12 this document is. I guess if it facilitates her  
13 recollection of a particular date, I guess -- if you can  
14 kind of go for what you are aiming for -- so, I mean, do  
15 you have a significant amount left concerning this  
16 document?

17 MS. YAN: No, I don't.

18 HEARING OFFICER MOLANO: Okay, please go ahead.

19 MS. YAN: Thank you.

20 Q BY MS. YAN: All right, so Patricia, you testified  
21 that you recognized the contents of this document. Do  
22 you recall if -- if the contents of -- if this document  
23 requires Eurostars to perform certain affirmative  
24 actions with regard to the Union?

25 A I think so.

1 Q And does the date of this document, November 29,  
2 2021, refresh your recollection regarding the -- when  
3 the Housekeeping Agreement was reached with the Union?

4 A No.

5 MS. YAN: Okay, I will stop sharing my screen.

6 HEARING OFFICER MOLANO: Ms. Yan, in terms of your  
7 reference, there are multiple references -- multiple  
8 references to different agreements; your tentative  
9 agreements you were asked about, their implementation  
10 agreements that you were asked about, and Ms. Yan, if  
11 you could ask another question to clarify what you were  
12 asking about, so we can get a more clear answer, please?

13 MS. YAN: Sure. Let me pull the document back up,  
14 just for clarity.

15 HEARING OFFICER MOLANO: So you are pulling up  
16 Petitioner Exhibit 3 or Petitioner 6?

17 MS. YAN: Petitioner 3.

18 HEARING OFFICER MOLANO: Okay.

19 Q BY MS. YAN: Okay, so Patricia, does the date on  
20 Petitioner Exhibit 3, Page 4, refresh your recollection  
21 as to when the Employer and the Union arrived at the  
22 agreement on -- arrived at a tentative agreement  
23 regarding certain housekeeping procedures?

24 A No, I am not sure.

25 Q Does the date, November 29, 2021, on Petitioner

1 Exhibit 4 -- Petitioner Exhibit 3, Page 4, refresh your  
2 recollection about when the Union and Hotel agreed to  
3 have certain Housekeeping agreements implemented at  
4 Eurostars Magnificent Mile?

5 A No.

6 Q Thank you.

7 MS. YAN: Before I pull the exhibit down, Ms.  
8 Molano, did you have anything?

9 HEARING OFFICER MOLANO: Do you have 6 handy,  
10 Petitioner's 6?

11 MS. YAN: I do.

12 HEARING OFFICER MOLANO: If you can pull that up?

13 MS. YAN: Yes. There you go.

14 HEARING OFFICER MOLANO: Ms. Cereiyo, just as a  
15 comparison, Page 2 of 4 of Petitioner Exhibit 6 -- Ms.  
16 Yan just asked questions clarifying whether the date of  
17 the prior exhibit, the date being November 29th, 2021,  
18 refreshed your recollection concerning what tentative  
19 agreements for Housekeeping were reached. These were  
20 the tentative agreements on Page 2 that she was  
21 referring it, which she had previously described,  
22 Paragraphs -- Paragraphs 1 through 4, and 7 and 8.

23 Looking at this, and your answer may be the same,  
24 but I just want to make sure that for the purposes of  
25 the record, that you are unable to -- seeing that Board

1 document, does Petitioner Exhibit 3 refresh your  
2 recollection as to when the tentative agreements were  
3 reached, reflected on Page 2 of -- of Petitioner's 6?

4 THE WITNESS: No, I am not sure. I can read what  
5 it is saying, but I am not sure that one was the day  
6 that we were arriving to that tentative agreements.

7 HEARING OFFICER MOLANO: Okay.

8 THE WITNESS: I can read it, and this is -- I can  
9 see that date, I don't remember that it was that date.

10 HEARING OFFICER MOLANO: That's fine.

11 Thank you.

12 I just want to make sure I put the two together.

13 Ms. Yan?

14 MS. YAN: All right, I am going to put up Employer  
15 Exhibit 4.

16 HEARING OFFICER MOLANO: How many pages?

17 MS. YAN: Yes, nine pages.

18 HEARING OFFICER MOLANO: All right. Ms. Wernick,  
19 do you have that available?

20 MS. WERNICK: Just one moment.

21 That was Employer Exhibit 4?

22 MS. YAN: That's right.

23 MS. WERNICK: Yes.

24 HEARING OFFICER MOLANO: Okay, please go ahead, Ms.  
25 Yan.

1 Q BY MS. YAN: All right, so I am looking at Page 6  
2 of Employer Exhibit 4.

3 Patricia, do you see my screen?

4 A Yes.

5 Q All right, so this second row from the top, where  
6 it says, "Andrea," do you see that?

7 A Yes.

8 Q All right. Andrea was a temp worker; correct?

9 A Yes.

10 Q And there were two Andreas that were temp workers;  
11 right?

12 A Yes.

13 Q Had both worked at Eurostars for several months, at  
14 the point of October 12th, 2022?

15 A I am sure of the periods of time, but I know that  
16 we were having two Andreas in our companies, but I am  
17 not sure if they were working on the -- on the same  
18 period of time.

19 Q And Andrea was -- Andrea was a temp worker, but she  
20 was given -- she was -- she was working her own rooms on  
21 October 12th, 2022?

22 A Yes.

23 Q Did you offer Andrea, either temp Andrea, a job in  
24 October 2022?

25 A You cannot offer a job to a temporary agency



1 employee's because you have an agreement with the  
2 temporary agency. You are able to hire any of the  
3 employees that they send you, has to be a minimum of six  
4 months that they even came back to work at the Hotel,  
5 because if not, you are stealing or taking their  
6 employees.

7 Q So Andrea would have to stop working at Eurostars  
8 through whatever agency she was part of, and then come  
9 back to work?

10 A At least for a minimum of six months.

11 Q Okay. That was true for both Limpidus and for --  
12 for United Maintenance?

13 A I don't remember exactly how many months Limpidus  
14 has. I think -- with United, it is like that. With  
15 Limpidus I think the employee has to be working with you  
16 for a minimum of time, in order that you are able to  
17 hire -- to hire the employee, is working -- working in a  
18 different way.

19 Q So, after "X" amount of time, they can transfer?

20 A Yes. You can ask the company.

21 Q You can ask the company or you can ask the  
22 employee?

23 A Well, you have to ask the company; before then you  
24 are making a proposal to the employee.

25 Q Do you recall how long that timeframe was that you

1 had to wait until you could ask the company?

2 A I am not sure, but I would say maybe six months.

3 (Inaudible).

4 Q Six months, but I didn't get the last part of --

5 A I think six months, but I am not a hundred percent  
6 sure. I don't know.

7 Q Thank you.

8 So -- so, for Andrea, you didn't offer her a job  
9 because either she had to leave for six months, or she  
10 hadn't worked six months yet, at Eurostars?

11 A Yes.

12 MS. YAN: I think that is all I have for you,  
13 Patricia.

14 HEARING OFFICER MOLANO: You think or --

15 MS. YAN: It is.

16 HEARING OFFICER MOLANO: Okay.

17 I don't think I have any follow-up questions.

18 Ms. Wernick, do you have any questions on redirect?

19 MS. WERNICK: May I ask your assistance in pulling  
20 up Petitioner Exhibit 6?

21 HEARING OFFICER MOLANO: Sure.

22 Ms. Yan, do you have Petitioner Exhibit 6  
23 available?

24 MS. YAN: I do. Should I put it on the screen?

25 HEARING OFFICER MOLANO: No, I got it. I just

1 wanted to make sure you had it before I share my screen.

2 MS. YAN: Yes.

3 HEARING OFFICER MOLANO: Okay. All right, can  
4 everybody see that?

5 MS. YAN: Yes.

6 HEARING OFFICER MOLANO: Ms. Wernick, can you see  
7 it?

8 MS. WERNICK: I can.

9 HEARING OFFICER MOLANO: Okay, Petitioner Exhibit  
10 6, four pages.

11 Go ahead, Ms. Wernick.

12 REDIRECT EXAMINATION

13 Q BY MS. WERNICK: Ms. Cereiyo, starting on Page 2 of  
14 this document where it says, "Supplement 2 -  
15 Housekeeping," do you recall if the Hotel drafted this  
16 document?

17 A It was something that we were drafting, that we  
18 were agreeing with the Union.

19 Q Do you know if the Union drafted this document?

20 A I think it was kind of both together, because the  
21 extra dirty rooms, it was something for sure that the  
22 hotel was drafting.

23 HEARING OFFICER MOLANO: I'm sorry, the what?

24 THE WITNESS: The third paragraph, the extra dirty  
25 rooms.

1 HEARING OFFICER MOLANO: I'm sorry. Got it.

2 THE WITNESS: Okay.

3 HEARING OFFICER MOLANO: Thank you.

4 Q BY MS. WERNICK: At the top in Paragraph 1, there  
5 is a circle over "14," and it says, "13."

6 Do you know who made -- who -- who wrote on this  
7 document, "13?"

8 A I put in my, the Union.

9 Q Why do you say the Union?

10 A Well, because we always establish that we would  
11 keep the same number of credits that the employees --  
12 the Housekeepers were having since we took over the  
13 hotel, that were fourteen credits.

14 Q Did -- so it is unlikely that the Employer wrote  
15 this, because the Employer never agreed to thirteen  
16 credits?

17 A Yeah.

18 Q Did the Union ever ask to go down to thirteen  
19 credits in bargaining?

20 A I think they asked, yeah.

21 MS. WERNICK: Ms. Molano, would you mind just kind  
22 of scrolling down through the rest of the document?

23 HEARING OFFICER MOLANO: All the way to the bottom?

24 MS. WERNICK: Yeah, please.

25 Thank you.

1 Q BY MS. WERNICK: Ms. Cereiyo, can you tell from  
2 looking at the rest of this whether this was a document  
3 drafted by the Employer or the Union?

4 A I think that this is the contract that the Union  
5 passed to the Hotel, and we were make modifications to  
6 arrive to agreements.

7 Q You mean the language -- the original language here  
8 is the Union's --

9 A Yes.

10 Q Is the Union's standard contract with other hotels?

11 A Yes.

12 MS. WERNICK: All right, I don't have any other  
13 questions about this exhibit.

14 HEARING OFFICER MOLANO: Okay.

15 MS. WERNICK: I do have a couple more questions.

16 Q BY MS. WERNICK: Ms. Cereiyo, you do recall  
17 entering into a settlement agreement with the Union and  
18 the Labor Board over some charges brought by the Union,  
19 right?

20 A Yes.

21 Q Do you remember if there was a period of time that  
22 you had to wait after the hotel signed the settlement  
23 agreement and the Board approved the agreement?

24 A No, I am not sure.

25 MS. WERNICK: That's all of the questions that I

1 have.

2 HEARING OFFICER MOLANO: Ms. Yan, do you have any  
3 additional questions?

4 MS. YAN: I have nothing further.

5 HEARING OFFICER MOLANO: I am going to ask one more  
6 time...

7 Do either of the parties have any additional  
8 questions for Ms. Cereiyo?

9 Ms. Yan?

10 MS. YAN: Nothing.

11 HEARING OFFICER MOLANO: Ms. Wernick?

12 Ms. Wernick, we are on the record.

13 MS. WERNICK: I'm sorry. We do not.

14 HEARING OFFICER MOLANO: Let me ask an additional  
15 question, does the Employer have any additional evidence  
16 they wish to put on?

17 MS. WERNICK: We do not.

18 HEARING OFFICER MOLANO: Ms. Cereiyo, you are  
19 excused.

20 Thank you for your time and your patience.

21 If you wish, you are free to go, and/or go sit  
22 where you have been sitting for the duration of the  
23 hearing.

24 THE WITNESS: Thank you.

25 HEARING OFFICER MOLANO: Thank you.

1 [Witness excused]

2 [Long pause]

3 HEARING OFFICER MOLANO: Since both parties have  
4 rested, I just want to confirm, Ms. Yan, do you have any  
5 further evidence you wish to present?

6 MS. YAN: I do not.

7 HEARING OFFICER MOLANO: Ms. Wernick, do you have  
8 any further evidence you wish to present?

9 MS. WERNICK: I do not.

10 HEARING OFFICER MOLANO: Okay. I am now going to  
11 Board Exhibit 2. This is the Stipulated Witness  
12 Statement Protective Order.

13 I am going to go ahead and share my screen, just so  
14 everybody can see what I am looking at.

15 Can the parties see my screen, what has been marked  
16 as Board Exhibit 2, which was executed by -- okay.

17           It is like a form, but it has the signed -- a two-  
18 page document signed by the Employer, a two-page  
19 document signed by the Union.

20 Can everybody see that?

21 MS. YAN: Yes.

22 MS. WERNICK: The Employer can.

23 HEARING OFFICER MOLANO: Okay. I want to draw the  
24 parties' attention to Paragraph No. 8, which says that  
25 at the conclusion of the hearing, the parties must

1     destroy the material in its entirety...

2             I am not going to read the whole document. I just  
3     raise this to make a point to request at this time that  
4     we take a short break, and request that the Employer  
5     review this, and effectuate it, so that we can confirm  
6     that that has been done. The Employer can certify that  
7     it has been done prior to adjourning.

8             This is for the e-mails that were sent to both  
9     Counsel, Ms. Wernick, and Mr. Core, and it includes  
10    copies into versions, copies, all of those should be  
11    destroyed, and deleted, if there is a deleted folder,  
12    those should also be deleted.

13            I am not going to read the rest, but I am  
14    paraphrasing it.

15            So, I would like to go off the record to permit the  
16    Employer time to do that.

17            How much time do you think you would need, Ms.  
18    Wernick?

19            MS. WERNICK: I kept them on a "dash" that says  
20    "Destroy." I am just going to check one more time to  
21    make sure I have everything. We will run it through the  
22    shredder, and then we will go through the e-mails.

23            HEARING OFFICER MOLANO: Okay. Is five minutes --  
24    we have to do it like in real time on the record?

25            We can go off to permit you to do it, and then come



1 back, and you can confirm that that has been done.

2 MS. WERNICK: Yeah. Oh, five minutes should be  
3 more than enough.

4 HEARING OFFICER MOLANO: Okay, so let's take a  
5 five-minute break for that purpose.

6 Off the record.

7 *[Off the record]*

8 HEARING OFFICER MOLANO: Okay, thank you.

9 So, before going off the record, I referred to and  
10 shared my screen to show the parties Board Exhibit 2.  
11 This is the Stipulated Witness Statement, Protective  
12 Order, executed by both parties. It requires the  
13 destruction of all witness statements received, at the  
14 conclusion of the hearing.

15 As we are now at the end of the hearing, I would  
16 like to ask the Employer Counsel, as I only provided it  
17 to the Employer Counsel, not to the Petitioner Counsel,  
18 to have Counsel certify on the record that they have  
19 deleted all affidavits that were e-mailed to them, and  
20 the affidavits have been permanently deleted from the e-  
21 mail programs, and that they no longer have any access  
22 to those affidavits.

23 I am also going to have Counsel certify that to the  
24 extent that any of the affidavits have printed off, that  
25 those affidavits are duly destroyed so no affidavits

1 will be available to the parties, and that are not  
2 allowed to see them.

3 Ms. Wernick, do you so certify for the Employer?

4 MS. WERNICK: I do.

5 HEARING OFFICER MOLANO: And just looking at Board  
6 Exhibit 2, Paragraph 10, this paragraph does -- if I can  
7 share my screen so you guys can see it...

8 Can the parties see my screen, Board Exhibit 2?

9 MS. YAN: Yes.

10 HEARING OFFICER MOLANO: I want to draw your  
11 attention to Paragraph 10, there is an affirmative  
12 obligation, so Ms. Wernick, if you could just read that,  
13 and then respond to it?

14 MS. WERNICK: And be able to respond, the  
15 Employer's representative took all printed copies, I  
16 have previously written "Destroyed" on top, and shredded  
17 all copies as affidavits received under this Agreement.

18 Additionally, Employer's representative received  
19 copies by e-mail, we both deleted the e-mails from our  
20 in-boxes, and deleted the emails from our -- permanently  
21 deleted them by deleting them from our "Trash" folder  
22 and our in-boxes.

23 HEARING OFFICER MOLANO: Okay. Thank you.

24 And were any of those witness statements loaded to  
25 any litigation database or put in any electronically

1 shareable location?

2 MS. WERNICK: No.

3 HEARING OFFICER MOLANO: Okay. Ms. Wernick, do you  
4 agree that the Employer has fully complied with the  
5 requirements of Board Exhibit 2?

6 MS. WERNICK: Yes.

7 HEARING OFFICER MOLANO: Thank you.

8 Moving on, are there any -- I'm sorry, just to  
9 clarify, this relates to all affidavits that were  
10 provided of Ms. Sheila Gainer and those of Ms. Bertha  
11 Nieto?

12 MS. WERNICK: Yes.

13 HEARING OFFICER MOLANO: Thank you.

14 I will stop sharing my screen.

15 So, moving on, are there any outstanding motions at  
16 this point in time?

17 Ms. Yan?

18 MS. YAN: Not for the Union.

19 HEARING OFFICER MOLANO: Ms. Wernick?

20 MS. WERNICK: Not -- not related to the hearing  
21 itself, but at the end of the hearing, the Employer  
22 would like to move for additional time to -- to brief.

23 HEARING OFFICER MOLANO: Okay, we will address that  
24 in just a moment.

25 Other than that, are there any outstanding motions

1 at this time?

2 MS. WERNICK: No.

3 HEARING OFFICER MOLANO: Okay. Would the parties  
4 like to make Closing Arguments, or even waive that in  
5 line with the evidence provided in the hearing, and --  
6 and -- separate and apart from any request to brief?

7 Ms. Yan?

8 MS. YAN: We will waive and reserve for briefing.

9 HEARING OFFICER MOLANO: Okay, and Ms. Wernick?

10 MS. WERNICK: The Employer will waive and reserve  
11 for briefing.

12 HEARING OFFICER MOLANO: Okay. So, Ms. Wernick,  
13 you indicated that you intend to request an extension to  
14 file briefs. I am just going to request that you permit  
15 me to read -- just kind of go through some procedural  
16 language, and then at the end, I will -- I will permit  
17 you an opportunity to -- to make that request. Is that  
18 okay?

19 MS. WERNICK: Yes.

20 HEARING OFFICER MOLANO: Ms. Yan, you similarly  
21 will have an opportunity to do the same.

22 MS. YAN: Thank you.

23 HEARING OFFICER MOLANO: The parties can submit  
24 briefs if they so desire. At this point in time, briefs  
25 will be due five business days from today, which is

1 Wednesday, August 2nd, 2023.

2 The parties are reminded that they should request  
3 an expedited copy of the transcript from the Court  
4 Reporter. If you fail to do so, late receipt of the  
5 transcript will not be grounds for an extension of time  
6 to file briefs.

7 The parties are advised that requests for  
8 extensions of time to file briefs will not be granted by  
9 the Hearing Officer, except under most unusual  
10 circumstances. A request for an extension to file  
11 briefs must contain specific reasons that a party cannot  
12 submit the brief within seven days.

13 Copies of the brief shall be served on all of the  
14 parties to the proceeding, and a Statement of Service of  
15 such service, shall be filed together with the briefs.

16 Does any party wish to waive the filing of post-  
17 hearing briefs?

18 Ms. Yan?

19 MS. YAN: No, not for the Union.

20 HEARING OFFICER MOLANO: Ms. Wernick?

21 MS. WERNICK: No.

22 HEARING OFFICER MOLANO: Okay. The parties are  
23 reminded that pursuant to Section 102.5 of the Board's  
24 Rules and Regulations, briefs and other case documents  
25 must be filed by electronically submitting, otherwise

1 known as "E-Filing," through the Agency's website which  
2 is [www.nlr.gov](http://www.nlr.gov), unless the party filing a document does  
3 not have access to the means for filing electronically,  
4 or filing electronically would impose an undue burden.

5 Briefs and documents filed by means other than "E-  
6 Filing," must be accompanied by a statement explaining  
7 why the filing party does not have access to the means,  
8 or filing electronically would impose an undue burden.

9 Filing a brief or other document electronically may  
10 be accomplished by using the "E-Filing" system on the  
11 Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is  
12 accessed, click on "E-File Documents," under the NLRB  
13 case number, and follow the detailed instructions.

14 The responsibility for the receipt of the document  
15 rests exclusively with the sender. A failure to timely  
16 file the brief will not be excused on the basis that the  
17 transmission could not be accomplished, because the  
18 Agency's website was offline or unavailable, or some  
19 other reason, absent a determination of technical  
20 failure of the site, with notice of such posted on the  
21 website.

22 Ms. Court Reporter, can you confirm whether you  
23 have all of the exhibits?

24 THE COURT REPORTER: I do.

25 HEARING OFFICER MOLANO: Thank you.

1           And can you provide an estimate of the number of  
2   total pages for the transcript, including all days of  
3   hearing which began on June 20th, 2023, and ending with  
4   today?

5           That, I assume there is a gap in there, but that  
6   was the first day and the last day.

7           THE COURT REPORTER:   Yeah, I would anticipate  
8   probably over 2,000.

9           HEARING OFFICER MOLANO:   Over 2,000 pages?

10          THE COURT REPORTER:   Correct.

11          HEARING OFFICER MOLANO:   Okay, thank you.

12          Ms. Wernick, I have completed the portion that I  
13   wanted to address.   You have stated a request to request  
14   an extension.   Do you want to do so?

15          MS. WERNICK:   The Employer would orally petition  
16   the Board for additional time to file briefs, in that --  
17   in response to this hearing.

18          There are unusual and exceptional circumstances  
19   which support the Employer's request, specifically as  
20   the Court Reporter just mentioned, there is an extensive  
21   amount of testimony to be reviewed, and transcript to be  
22   reviewed.   This hearing has nine days of testimony, and  
23   the Court Reporter has estimated there will be at least  
24   2,000 pages of transcript.   In addition, there are  
25   approximately sixty exhibits, two of which are over 800

1 pages alone, and which will consist of thousands of  
2 pages, as well.

3 In light of the length of the hearing, the  
4 extensive length of the transcript, the voluminous  
5 amount of exhibits, the Employer would request the  
6 maximum additional amount of time allowed to brief,  
7 which is, I believe, going to be an additional ten  
8 business days from the five business days which are  
9 provided.

10 HEARING OFFICER MOLANO: Thank you.

11 Was there anything else you wanted to add, Ms.  
12 Wernick?

13 MS. WERNICK: No. Thank you.

14 HEARING OFFICER MOLANO: Ms. Yan, do you have  
15 something to add, or do you have a position on the  
16 request?

17 MS. YAN: The Union supports the motion to extend  
18 briefing time. Union Counsel has three arbitration  
19 hearings in the next two weeks, and would appreciate the  
20 additional time, as well, in addition to the reasons  
21 stated by Employer Counsel regarding the volume of the  
22 transcript and exhibits in this case.

23 HEARING OFFICER MOLANO: You said, three  
24 arbitrations in the next two weeks, just so I can note  
25 that correctly?



1 MS. YAN: Yes, correct.

2 HEARING OFFICER MOLANO: Okay.

3 MS. YAN: All of which require travel -- all three  
4 of which require travel.

5 HEARING OFFICER MOLANO: Okay, was there anything  
6 else you wanted to add, Ms. Yan?

7 MS. YAN: If there is any way to increase the  
8 maximum additional amount allowed for briefing, I would  
9 support that, but if that is the maximum that we can go,  
10 then that is the maximum.

11 I don't know if Ms. Wernick has a position on that.

12 MS. WERNICK: No, we would -- we would join in that  
13 request.

14 HEARING OFFICER MOLANO: Okay, I definitely need to  
15 go off the record to confer with Regional management,  
16 and I will do my best to have a response, and to do so  
17 as quickly as possible, but given that it is just after  
18 6:00 p.m., it may take a little time.

19 So, we will go off the record for, let's say, about  
20 fifteen minutes, and I will check back in, at that  
21 point.

22 MS. YAN: Ms. Molano, before we do that, would it  
23 make sense for us to say a date for the extraordinary  
24 request on top of the extraordinary request, beyond the  
25 ten business days, for -- for your request for the

1 purposes of checking with Regional management, or is --  
2 should we request that later?

3 HEARING OFFICER MOLANO: If -- if you are  
4 requesting a specific amount of time, please do so now.

5 MS. YAN: Can we make it an even August 31st? I  
6 don't know how the Employer feels about that.

7 MS. WERNICK: Yeah, it is 25 business days. We  
8 have -- we would join in that request, as well.

9 HEARING OFFICER MOLANO: Do the parties agree that  
10 requesting the maximum additional time which is going to  
11 be ten business days, however requesting further --  
12 based on circumstances, requesting additional time until  
13 August 31st; is that correct?

14 MS. YAN: That's correct.

15 HEARING OFFICER MOLANO: Ms. Wernick?

16 MS. WERNICK: That's correct.

17 HEARING OFFICER MOLANO: Okay.

18 All right, so let's go off the record for fifteen  
19 minutes, and then we will see what I can do in terms of  
20 a response.

21 We will check back in fifteen minutes.

22 MS. YAN: Thank you.

23 HEARING OFFICER MOLANO: Off the record.

24 *[Off the record]*

25 HEARING OFFICER MOLANO: All right, welcome back,

1 everyone.

2 Thank you for your patience.

3 Before we went off the record, there was a joint  
4 motion of the parties to request an extension of ten  
5 business days to the filing of briefs, and a secondary  
6 motion to request an extension beyond that to -- I'm  
7 sorry, an extension of 21 total business days.

8 At this time, I am going to grant an extension of  
9 an additional five business days, so instead of the  
10 briefs being due on August 2nd, 2023, they will no be  
11 due until August 9th, 2023. I reviewed the Board's  
12 Rules and Regulations, Section 102.69, Subsection  
13 C(1)(iii), and there it seems to limit the extension to  
14 an additional ten business days. I'm just going to  
15 read, prior to the close of the hearing, and for good  
16 cause, the Hearing Officer may grant an extension of  
17 time to file the brief, not to exceed an additional ten  
18 business days.

19 I understand the basis for the request. As I was  
20 not able to get in touch with the people I needed to get  
21 in touch with at this moment, I am going to grant the  
22 five additional business days again, to Wednesday,  
23 August 9th, 2023. The parties are free to file a motion  
24 for those additional five business days, or their  
25 request for August 31st, and Regional management will

1 respond to that if you request additional time.

2 Okay. I have addressed everything that I would  
3 like to, on the record. Is there anything further from  
4 either of the parties?

5 Ms. Yan?

6 MS. YAN: Not for the Union.

7 HEARING OFFICER MOLANO: Ms. Wernick?

8 MS. WERNICK: Nothing else. Thank you.

9 HEARING OFFICER MOLANO: If there is nothing  
10 further, this hearing is closed.

11 *[No response]*

12 HEARING OFFICER MOLANO: Absent hearing no  
13 response, the hearing is now closed.

14 Off the record.

15 *[Off the record]*

16 ***[Whereupon, the hearing was closed at 6:36 p.m.]***

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**CERTIFICATION**

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), in the matter of **GOLDEN MILE HOTELS, LLC d/b/a EUROSTARS MAGNIFICENT MILE HOTEL** (Employer) and **UNITE HERE LOCAL 1** (Petitioner), **Case No. 13-RC-303208**, on Wednesday, the 26th of July, 2023, was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the recording, at the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected exhibit files are missing.

*Jennifer Molinaro*

Jennifer Molinaro, Official Reporter